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JIM EDGAR
Secretary of State

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ILLINOIS REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1988

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 16, 1987	Dec. 23, 1987	1	Jan. 4, 1988	June 28, 1988	July 5, 1988	29	July 15, 1988
Dec. 23, 1987	Dec. 30, 1987	2	Jan. 8, 1988	July 5, 1988	July 12, 1988	30	July 22, 1988
Dec. 30, 1987	Jan. 5, 1988	3	Jan. 15, 1988	July 12, 1988	July 19, 1988	31	July 29, 1988
Jan. 5, 1988	Jan. 12, 1988	4	Jan. 22, 1988	July 19, 1988	July 26, 1988	32	Aug. 5, 1988
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Jan. 19, 1988	Jan. 26, 1988	6	Feb. 5, 1988	Aug. 2, 1988	Aug. 9, 1988	34	Aug. 19, 1988
Jan. 26, 1988	Feb. 2, 1988	7	Feb. 16, 1988 (Tues.)	Aug. 9, 1988	Aug. 16, 1988	35	Aug. 26, 1988
Feb. 2, 1988	Feb. 9, 1988	8	Feb. 19, 1988	Aug. 16, 1988	Aug. 23, 1988	36	Sept. 2, 1988
Feb. 9, 1988	Feb. 16, 1988	9	Feb. 26, 1988	Aug. 23, 1988	Aug. 30, 1988	37	Sept. 9, 1988
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Mar. 8, 1988	Mar. 15, 1988	13	Mar. 25, 1988	Sept. 20, 1988	Sept. 27, 1988	41	Oct. 7, 1988
Mar. 15, 1988	Mar. 22, 1988	14	Apr. 1, 1988	Sept. 27, 1988	Oct. 4, 1988	42	Oct. 14, 1988
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Mar. 29, 1988	Apr. 5, 1988	16	Apr. 15, 1988	Oct. 11, 1988	Oct. 18, 1988	44	Oct. 28, 1988
Apr. 5, 1988	Apr. 12, 1988	17	Apr. 22, 1988	Oct. 18, 1988	Oct. 25, 1988	45	Nov. 4, 1988
Apr. 12, 1988	Apr. 19, 1988	18	Apr. 29, 1988	Oct. 25, 1988	Nov. 1, 1988	46	Nov. 14, 1988 (Mon.)
Apr. 19, 1988	Apr. 26, 1988	19	May 6, 1988	Nov. 1, 1988	Nov. 8, 1988	47	Nov. 18, 1988
Apr. 26, 1988	May 3, 1988	20	May 13, 1988	Nov. 8, 1988	Nov. 15, 1988	48	Nov. 28, 1988 (Mon.)
May 3, 1988	May 10, 1988	21	May 20, 1988	Nov. 15, 1988	Nov. 22, 1988	49	Dec. 2, 1988
May 10, 1988	May 17, 1988	22	May 27, 1988	Nov. 22, 1988	Nov. 29, 1988	50	Dec. 9, 1988
May 17, 1988	May 24, 1988	23	June 3, 1988	Nov. 29, 1988	Dec. 6, 1988	51	Dec. 16, 1988
May 24, 1988	May 31, 1988	24	June 10, 1988	Dec. 6, 1988	Dec. 13, 1988	52	Dec. 23, 1988
May 31, 1988	June 7, 1988	25	June 17, 1988	Dec. 13, 1988	Dec. 20, 1988	53	Dec. 30, 1988
June 7, 1988	June 14, 1988	26	June 24, 1988	Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989
June 14, 1988	June 21, 1988	27	July 1, 1988	Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989
June 21, 1988	June 28, 1988	28	July 8, 1988				

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

STATE UNIVERSITIES CIVIL SERVICE SYSTEM
NOTICE OF PROPOSED AMENDMENTTITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

1) The Heading of the Part: State Universities Civil Service System

2) Code Citation: 80 Ill. Adm. Code 250

3) Section Number: 250.50
Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by "AN ACT to create the State Universities Civil Service System" (Ill. Rev. Stat. 1987, ch 24 1/2, par. 38bl, et. seq.)

5) A Complete Description of the Subjects and Issues Involved: The purpose of this proposal is to reduce the time for voiding of examinations and reduce the time between revisions of examinations.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: Not Applicable.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views, or arguments concerning this rulemaking in writing to Emil G. Peterson, Deputy Director, 102 East Main Street, Suite 500, Urbana, Illinois 61801. The Authority will consider all written comments received at the above address within 45 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small business.

The full text of the Proposed Amendment begins on the next page:

STATE UNIVERSITIES CIVIL SERVICE SYSTEM
NOTICE OF PROPOSED AMENDMENTTITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEMTITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEMPART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section	Definitions
250.5	Purpose, Adoption, and Amendment of Rules
250.10	The State Universities Civil Service System and its Divisions
250.20	The Classification Plan
250.30	Military Service Preference, Veterans Preference
250.40	Examinations
250.50	Eligible Registers
250.60	Nonstatus Appointments
250.70	Status Appointments
250.80	Probationary Period
250.90	Reassignments and Transfers
250.100	Separations and Demotions
250.110	Seniority
250.120	Review Procedures
250.130	Delegation of Authority and Responsibilities
250.140	Training
250.150	Suspension of Rules
250.160	

AUTHORITY: Implementing and authorized by "AN ACT to create the State Universities Civil Service System" (Ill. Rev. Stat. 1987, ch. 24 1/2, par. 38bl et. seq.).

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 21, 1988; amended at 12 Ill. Reg. _____, effective _____.

Section 250.50 Examinations

- Kinds of Examinations. Examinations shall be of two kinds: original entry and promotional. Both kinds shall be open and continuous competitive examinations.
- Eligibility to Compete in Examinations.

NOTICE OF PROPOSED AMENDMENT

- 1) Any citizen or resident of the State of Illinois, who applies for examination in a specific class at a constituent place of employment served by the System, who is not rejected or disqualified under Section 250.50(c), and who meets the minimum qualifications as prescribed in the class specification, shall be admitted to such examination. For classes requiring valid licenses or certificates, an applicant must show possession of such license or certificate at, or prior to, time of taking the examination.
- 2) A promotional examination shall be open to a status employee in a place of employment, who is not rejected or disqualified under Section 250.50(c), who meets the minimum qualifications specified in the class specification for a higher class in the appropriate promotional line and who, in addition, is working by virtue of a status appointment, in a position of a lower class in the same promotional line, is on leave of absence from such a position, or is on layoff from such a position.
- 3) An applicant who fails to meet the minimum qualifications established for the class, but who can offer qualifications which in the opinion of the Director are considered to be compensatory, shall be admitted to the examination for the class. The names of all such applicants who pass the examination shall be placed on the appropriate register in order of score.
- 4) In the absence of a name of a candidate on any existing register for a class, an applicant who does not possess the minimum qualifications for the class and cannot present compensatory qualifications may be admitted with prior approval of the Director to the examination for the class for the purpose of attempting to fill a specific vacancy. The name of an applicant so admitted, and who passes the examination, shall remain on the register only until the specific vacant position has been filled.
- 5) An applicant with a physical handicap who fails a section or sections of an original entry examination because of circumstances directly related to the handicap, who is subsequently employed in the absence of a register, may, after six months of satisfactory service, upon recommendation of an employer and written approval of the Director, be declared exempt from qualifying on such failed section or sections of the examination, in which case he shall become a status employee in the position in which he has been employed or in another position in the same class.
- 6) For classes requiring technical qualifications for which there is an inadequate supply of qualified applicants who are citizens of, or residents in, the State of Illinois, out-of-state residents may be admitted to the examination. When the citizenship or residency requirement is waived, in-state candidates shall be listed on the register ahead of out-of-state candidates.

NOTICE OF PROPOSED AMENDMENT

- 7) Any applicant may rewrite an examination for a class three times within any twelve month period, with at least one month time lapse between every rewrite. The candidate's place on the register for the class shall be determined by the highest score achieved on any examination for the class.
- A) For the purpose of this Section, an original entry and a promotional examination shall be considered to be one and the same examination.
- B) The limitations of this Section do not apply to an applicant who fails the typewriting and transcribing and/or stenographic sections of an examination.
- c) Rejection or Disqualification of Applicants. The employer may reject any applicant, or, after examination, the Director may refuse to certify any candidate who, in addition to requirements specified in Section 36f of the Statute and Section 250.50(b), fails to pass a physical examination given to determine his physical qualifications for employment, uses intoxicating beverages to excess, uses narcotics, has been dismissed from either private or public service for a cause detrimental to his employment by an employer under the System, has maintained an unsatisfactory employment record, has practiced deception or fraud in his application, examination, or material pertaining to these, or has committed an offense which in the judgment of the Director disqualifies him for employment.
- d) Character of Examinations.
 - 1) Examinations shall consist of one or more of the following: written test; performance test; oral test; physical test; aptitude test; practical test; other appropriate tests; a rating of experience and/or training.
 - 2) All examination content shall be provided by the staff of the System.
 - 3) All examination supplies and materials and all examinations are the property of the System.
 - 4) An original entry or promotional examination may be revised, with the approval of the Director, without affecting existing original entry and/or promotional registers for the class, providing such revision does not change the character and/or weighting of sections of the examination.
 - 5) The character and/or weighting of sections of an original entry or promotional examination may be changed, with the approval of the Director, providing that there is sufficient evidence that the

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

current examination for the class is not a satisfactory examining instrument; and providing, further, that such character and/or weighting of the examination has been in use for a period of at least ~~two--years~~ one year; and providing, further, that 90 45 days advance notice of such change shall be given to all appropriate employers who shall then communicate such notice in writing to each candidate then on an original entry or promotional register by score and shall further communicate such notice in writing to any applicant who applies for an original entry or promotional examination during such 90-day 45-day period. During the 90-day 45-day period, qualified applicants (including candidates whose names are already on the register by score), at their request, will be scheduled for the examination. At the end of the 90-day 45-day period the original entry and/or promotional registers of candidates by score will be voided, and new original entry and/or promotional registers by score shall be established on the basis of the new examination.

- e) Administration of Examinations. As approved by the Director, examinations shall be scheduled and administered by the employer. Such examinations shall be conducted on an open and continuous basis, except for examinations to original entry registers at each place of employment, as requested by the employer and approved by the Director, that have a sufficient number of candidates on the register which preclude further recruitment and testing. In making a determination to reopen (or close) an examination, the Director will consider requests by the employer or other individuals based on the number of positions in the class, projected new positions, and annual turnover rate. Also, for examinations that have been closed for six months or more, the Director will review the need for continuing the approval of a closed examination. The employer shall be responsible for the security of all examination materials supplied to the employer by the System so long as they are in the employer's custody.

- f) Rating of Examinations.

- 1) The Director and his staff shall use appropriate scientific techniques and procedures in rating tests and in determining resulting rank to the end that all competitors receive uniform and fair treatment.

- 2) Failure in any portion of a total examination, the passing of which is deemed necessary to qualify for eligibility in the class for which the applicant is being examined, shall eliminate the applicant from passage of the complete examination, regardless of his score in other portions thereof. For each eliminating test and the final average in an examination, the Director shall announce the minimum acceptable rating.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- 3) The passing score for eligibility for certification shall be determined by the Director. This score shall be the same for all examinations given for a class, but it may be changed if in his judgment such change is for the best interest of the System; and such change shall be applicable uniformly to all examinations for the class. The passing score shall be made known to all those taking the examination.
- 4) An applicant who fails to gain eligibility for employment in a higher class may, at the discretion of the Director, elect to accept eligibility for a lower appropriate class, if his scores on all appropriate parts of the examination are sufficient to qualify him for the lower class.
- 5) All examination scores shall be on a scale of 1 to 100, with decimal points in examination scores being rounded off to the nearest whole number, i.e., with below .5 having the decimal points dropped and with .5 or above being rounded to the next whole number.
- g) Notification and Review of Scores.
- 1) An applicant shall be sent a written notice of the date and results of his examination. Such notice must indicate whether the score achieved is passing or failing and if it includes credit for Veterans Preference.
- 2) All requests of applicants for review of scores shall be made to the Director.
- h) Filing of Examination Records. All administered examinations given by the employer shall be retained by the employer for at least a period of two months after date of scoring the examination.

Source: Amended at 12 Ill. Reg. _____, effective _____)

EMERGENCY SERVICES AND DISASTER AGENCY

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Emergency and Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance

- 2) Code Citation: 29 Ill. Adm. 430

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
430.10	New Section
430.20	New Section
430.30	New Section
430.40	New Section
430.50	New Section
430.60	New Section
430.70	New Section
430.80	New Section

- 4) Statutory Authority: Implementing the Hazardous Materials Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1251 et seq.) and Section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001, et seq.) and authorized by Section 6(c)(1) of the Illinois Emergency Services and Disaster Agency Act of 1988 (P.A. 1027, effective June 30, 1988).

- 5) A Complete Description of the Subjects and Issues Involved: The operator or owner of a facility where hazardous substances are used, stored or manufactured shall, as soon as he/she has knowledge of any release of a reportable hazardous substance, send notification of such immediately to appropriate state and local government agencies pursuant to federal and state directives. This notification procedure provides a means to minimize a hazardous threat to the general public by establishing an early warning system that will serve as a gauge for implementing state and local government emergency response functions.

- 6) Will this rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this part? No

- 10) Statement of Statewide Policy Objectives: This rule establishes the State of Illinois policy for the immediate notification of an accident or incident and follow-up written reports which involves a reportable hazardous substance. The primary objective of this rule is to establish procedures that provides a centralized and expedient method for alerting state and local governments about a potential or actual release so that an appropriate emergency response system can be activated should it become necessary.

EMERGENCY SERVICES AND DISASTER AGENCY

NOTICE OF PROPOSED RULE

- 11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Information and questions regarding this proposed rule shall be directed to the following person between 8:30 A.M. and 5:00 P.M. Monday through Friday of each week:

Oran S. Robinson, Jr.
Illinois Emergency Services and Disaster Agency
110 East Adams
Springfield, Illinois 62706
Telephone 217-782-4694

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 26, 1988.

- B) Types of small businesses affected: any business that uses, stores or manufactures a hazardous substance.

- C) Reporting, bookkeeping or other procedures required for compliance: a telephone or radio notification by the operator/owner of a business to report a release of a Reportable Hazardous Substance. A written follow-up report is also required.

- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rule begins on the next page.

NOTICE OF PROPOSED RULE

TITLE 29: EMERGENCY SERVICES, DISASTERS AND CIVIL DEFENSE
CHAPTER I: EMERGENCY SERVICES AND DISASTER AGENCY
SUBCHAPTER d: STATE EMERGENCY RESPONSE

Part 430
EMERGENCY AND WRITTEN NOTIFICATION OF AN INCIDENT OR ACCIDENT
INVOLVING A REPORTABLE HAZARDOUS SUBSTANCE

Section 430.10	Purpose
430.20	Definitions
430.30	Emergency Notification of an Incident or Accident Involving a Reportable Hazardous Substance
430.40	Contents of Notice
430.50	Notification Responsibility to Agencies other than the SERC, IESDA, the LEPC and the Local Emergency Agency
430.60	Exempted Releases
430.70	Follow-up Emergency Notice
430.80	Enforcement

AUTHORITY: Implementing the Hazardous Materials Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1251 et seq.) and Section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001, et seq.) and authorized by Section 6(c)(1) of the Illinois Emergency Services and Disaster Agency Act of 1988 (P.A. 85-1027, effective June 30, 1988).

SOURCE: Filed April 8, 1977. Rules repealed, new rules adopted and codified at 6 Ill. Reg. 10928, effective September 1, 1982; Part repealed, new Part adopted at ____ Ill. Reg. ____, effective ____.

Section 430.10 Purpose

This rule establishes the State of Illinois policy for the immediate notification of an accident or incident and subsequent written report as required which involves a reportable hazardous substance. The procedures herein provides for a centralized and expedient method for alerting state and local governments about a potential or actual release so that an appropriate emergency response system can be activated should it become necessary.

Section 430.20 Definitions

"CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601, et seq.).

"CERCLA Hazardous Substance" means any substance listed in Table

NOTICE OF PROPOSED RULE

302.4 of 40 CFR 302, dated July 1, 1987.

"Emergency Planning District" means a district designated by the SERC in accordance with Section 301(b) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III.

"Environment" means water, air and land and the interrelationship which exists among and between water, air and land and all living things.

"Etiologic Agent" means disease-causing agent.

"Extremely Hazardous Substance" means any substance listed in Appendix A of 40 CFR 355, dated April 22, 1987 and any subsequent amendments to this list.

"Evacuation" means the withdrawal of any member of the general public from an area threatened by exposure to a hazardous material.

"Facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common which controls, is controlled by, or under common control with, such person). For the purposes of this Part, the term includes motor vehicles, rolling stock and aircraft.

"General Public" means any individual not employed by, or authorized to be within the area under control of, the person responsible for the hazardous material; the exclusion of employees from this definition applies only during actual hours of employment.

"Hazardous Material" means a substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A. § 1801 et seq.).

"Hazardous Substance" means any substance listed as a "hazardous substance" in the Appendix to 49 CFR 172.101, including any subsequent revisions.

"IESDA" means the Illinois Emergency Services and Disaster Agency.

"Local Emergency Agency" means police, fire, civil defense, or any other local government agency or department charged with the responsibility of responding to an accident or incident involving

EMERGENCY SERVICES AND DISASTER AGENCY

NOTICE OF PROPOSED RULE

a hazardous material.

"Local Emergency Planning Committee (LEPC)" means the committee appointed by the SERC in accordance with Section 301(c) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III.

"Oil" means oil of any kind or in any form, including, but not limited to petroleum, fuel oil, sludge, oil refuse, oil mixed with wastes other than dredged spoil, and generally including any of a large class of oily, combustible substances which are liquid, or easily liquefiable on warming, and soluble in ether but not in water.

"Potential Release" means any container of a reportable hazardous substance that has been damaged to the point of showing physical evidence of a release and this release is likely to occur in such magnitude that may result in serious harm to the local population or the environment.

"Radioactive Material" means any material or combinations of material, which spontaneously emits ionizing radiation. Materials in which the estimated specific activity is not greater than 0.002 microcuries per gram of material, and in which the radioactivity is essentially uniformly distributed, are not considered to be radioactive materials.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discharging of barrels, containers, and other closed receptacles). For the purposes of this Part 430,

"Release" includes the loss of containment of a reportable hazardous substance which is not wholly contained within a building or structure inside plant or facility boundaries.

"Reportable Quantity" means a quantity that equals or exceeds the reportable quantity listed in the Appendix to 49 CFR 172.101, including any subsequent revisions, for any hazardous substance; that equals or exceeds the reportable quantity listed in Appendix A of 40 CFR 355, including any subsequent revisions, for any extremely hazardous substance, and that equals or exceeds the reportable quantity listed in Table 302.4 of 40 CFR 302 dated July 1, 1987, including any subsequent revisions.

"Reportable Hazardous Substance" means CERCLA hazardous

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substance, hazardous substance, extremely hazardous substance, radioactive material, etiologic agent and oil.

"Reportable Substance" means hazardous substance, radioactive material, etiologic agent and oil.

"Responsible Party" means the individual, partnership, corporation or association in control of any reportable hazardous substance at the time of an accident or incident involving that reportable hazardous substance.

"State Emergency Response Commission (SERC)" means the Illinois Emergency Services and Disaster Agency as appointed by the Governor in accordance with Section 301 of the Superfund Amendments and Reauthorization Act of 1986 to carry out all state responsibilities required by this Act.

Section 430.30 Emergency Notification of an Incident or Accident Involving a Reportable Hazardous Substance

a) If a release of an extremely hazardous substance or a CERCLA hazardous substance occurs in a reportable quantity from a facility where a hazardous chemical is used, produced or stored then the owner or operator of that facility shall immediately provide notice as described in subsection (d). If a release of an extremely hazardous substance or a CERCLA hazardous substance is less than reportable quantity then the operator or owner shall provide notice only if a condition described in subsection (b)(1), (b)(2) or (b)(3) occurs incident to the release.

b) If a potential release of a reportable hazardous substance occurs at a facility where hazardous chemicals are used, stored or manufactured, then the operator or owner shall immediately provide notice as described in subsection (d) if any of the following occurs:

- 1) a member of the general public is killed;
- 2) a member of the general public receives injuries requiring hospitalization;
- 3) an authorized official of an emergency agency recommends evacuation of the general public from an area;
- 4) a rail car which is required to be placarded has

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sustained visible bodily damage from any cause or may receive bodily damage from any foreseeable cause after an incident or accident;

- 5) a motor vehicle which is required to be placarded by 40 CFR 172, Subpart F, which contains a hazardous material, a hazardous material residue has overturned on a public highway.
- c) If a release of a reportable substance occurs from a facility where hazardous chemicals are used, stored or manufactured, or if any one of the conditions described in subsections (1), (2) or (3) occurs, then the operator or owner shall immediately provide notice as described in subsection (d).
- 1) Fire, breakage, release or suspected radioactive contamination occurs involving radioactive material in transportation.
- 2) Fire, breakage, release or suspected contamination occurs involving an etiologic agent.
- 3) There is a release of oil which meets the reporting requirements in the U.S. Environmental Protection Agency regulations at 40 CFR 110.
- d) Notice required under subsections (a), (b) and (c) shall be given immediately by the person who owns, leases, operates or controls a facility to the IESDA (which is the SERC) any time during the day or night by calling 1-800-782-7860 or 1-217-782-7860 and by such means as telephone, radio or in person to the Community Emergency Coordinator for the LEPC, and to the local emergency agency. Subsection (g) describes the procedure for obtaining the location and phone number of the LEPC.
- e) In addition to the notification required in Section 430.30 A), immediate notification shall be given by radio, telephone or in person to the following, as appropriate:
 - 1) the LEPC of any other emergency planning district likely to be affected by the release;
 - 2) the SERC of any other state likely to be affected by the release.
- f) If an LEPC has not been organized in the emergency planning

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district where the release occurred, or in another emergency planning district which might be affected by the release, then the notification shall be made to the nearest local emergency agency.

- g) The locations and telephone numbers of Illinois LEPCs may be acquired from the IESDA Hazardous Materials Section by dialing 217-524-688, or 217-782-4694.

Section 430.40 Contents of Notice

Notice required under Section 430.30 shall include, as a minimum, each of the following to the extent that it is known at the time of notice and provided that it causes no delay in responding to the emergency:

- a) name of the reporter and phone number where the reporter may be contacted;
- b) name and address of person or company represented by caller;
- c) date and time the caller was notified of the incident or accident;
- d) the chemical name or identity of any substance involved in the release;
- e) date and time the caller arrived at the scene of the incident or accident;
- f) an indication of whether the substance is on the list of extremely hazardous substances;
- g) the type of incident;
- h) the name of a contact person representing the responsible party;
- i) the number of injuries and number of fatalities, if any;
- j) the time and duration of the release;
- k) an estimate of the quantity in pounds of any such substance that was released into the environment;
- l) the name(s) and physical state(s) of the reportable hazardous substances involved;

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- m) the type(s) and size(s) of containers;
- n) proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordinator pursuant to the emergency plan;
- o) the trade name, the UN/NA number and the Chemical Abstracts Service Registry Number (CAS Number) of any and all reportable hazardous substances involved in the incident or accident;
- p) any known or anticipated acute or chronic health risks or public safety risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals;
- q) the date and time of incident termination and the identity of the person or agency terminating the incident;
- r) name, mailing address and telephone number of the responsible party.

Section 430.50 Notification Responsibility to Agencies other than the SERC, IESDA, the LEPC and the Local Emergency Agency

- a) If notification of an incident or accident is provided to IESDA or the SERC, pursuant to Sections 430.30 and 430.40 of this part, no additional telephone notifications to a state agency is otherwise required under regulations of the Illinois Pollution Control Board, Illinois Environmental Protection Agency, Illinois Department of Nuclear Safety, Illinois Department of Mines and Minerals, Illinois Commerce Commission, State Fire Marshal, Illinois Department of Transportation, Illinois Department of Law Enforcement, Illinois Department of Agriculture or Illinois Department of Public Health; it shall be the responsibility of the IESDA to notify state agencies having jurisdiction pursuant to IESDA Standard Operating Procedures.
- b) Notification to IESDA, the SERC or the LEPC under these rules does not satisfy any requirements to provide telephone notification of a hazardous material incident or accident to federal or local emergency agencies.
- c) Notification to IESDA, the SERC or the LEPC under these rules does not satisfy additional requirements to provide subsequent

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written notification, reports or other data as may be required by law, rule, regulation, license or permit.

Section 430.60 Exempted Releases

Emergency release notification does not apply to the following:

- a) any release which results in exposure to persons solely within a work place with respect to a claim which such persons may assert against their employer;
- b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel or pipeline pumping station engine;
- c) a federally permitted release as defined in 40 CFR 302.3;
- d) the normal application of fertilizer.

Section 430.70 Follow-up Emergency Notice

As soon as practicable after a release which requires notice under Section 430.30, any person who owns, operates, leases or controls any facility shall provide a written follow-up emergency notice (or notices, as more information becomes available) to IESDA updating the information required under Section 430.40, and including additional information with respect to the following:

- a) actions taken to respond to and contain the release;
- b) any known or anticipated acute or chronic health risks associated with the release, and
- c) where appropriate, advice regarding medical attention necessary for exposed individuals.

Section 430.80 Enforcement

The IESDA shall have authority to investigate any violation of Section 430.30, Section 430.50, Section 430.60 and Section 430.70. Any enforcement or civil action required under this Part shall be carried out pursuant to the Illinois Hazardous Materials Act of 1983 (Ill. Rev. Stat. 1987, ch. 127, pars. 1251 et seq.) and Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001, et seq.).

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1) Heading of the Part: Telephone Notification of Hazardous Incidents

2) Code Citation: 29 Ill. Adm. Code 430

3) Section Numbers:

430.10	<u>Proposed Actions:</u>
430.20	Repeal
430.30	Repeal
430.40	Repeal
430.50	Repeal
430.60	Repeal
430.70	Repeal

4) Statutory Authority: Implementing and authorized by "AN ACT to require labeling of equipment and facilities for the use, transportation, storage, and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies," approved and effective August 26, 1976 as amended (Ill. Rev. Stat. 1979, ch. 127, pars. 1251 et seq.).

5) A Complete Description of the Subjects and Issues Involved: The operator or owner of a facility where hazardous substances are used, stored or manufactured shall, as soon as he/she has knowledge of any release of a reportable hazardous substance, send notification of such immediately to appropriate state and local government agencies pursuant to federal and state directives. This notification procedure provides a means to minimize a hazardous threat to the general public by establishing an early warning system that will serve as a gauge for implementing state and local government emergency response functions.

6) Will this rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this part?
A proposed new Part 430 is published elsewhere in this edition of the Ill. Register.

10) Statement of Statewide Policy Objectives: This rule establishes the State of Illinois policy for the immediate notification of an accident or incident and follow-up written reports which involves a reportable hazardous substance. The primary objective of this rule is to establish procedures that provides a centralized and expedient method for alerting state and local governments about a potential or actual release so that

an appropriate emergency response system can be activated should it become necessary.

11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Information and questions regarding this proposed rule shall be directed to the following person between 8:30 A.M. and 5:00 P.M. Monday through Friday of each week:

Oran S. Robinson, Jr.
Illinois Emergency Services and Disaster Agency
110 East Adams
Springfield, Illinois 62706

Telephone 217-782-4694

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 26, 1988.

B) Types of small businesses affected: any business that uses, stores or manufactures a hazardous substance.

C) Reporting, bookkeeping or other procedures required for compliance: a telephone notification to IESDA by the operator/owner of a business reporting a release of a hazardous substance.

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Repealer begins on the next page.

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TITLE 29. EMERGENCY SERVICES, DISASTERS AND CIVIL DEFENSE
CHAPTER I. EMERGENCY SERVICES AND DISASTER AGENCY
SUBCHAPTER d. STATE EMERGENCY RESPONSEPART 430
TELEPHONE NOTIFICATION OF HAZARDOUS INCIDENTS

Section	Statutory Authority
430.10	Purpose
430.20	Definitions
430.30	Notification
430.40	Timely Notification
430.50	Information Required
430.60	Exceptions

AUTHORITY: Implementing and authorized by "AN ACT to require labeling of equipment and facilities for the use, transportation, storage, and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies," approved and effective August 26, 1976 as amended (Ill. Rev. Stat. 1979, ch. 127, pars. 1251 et seq.)

SOURCE: Filed April 8, 1977. Rules repealed, new rules adopted and codified at 6 Ill. Reg. 10928, effective September 1, 1982. Repealed at ____ Ill. Reg. ____ effective ____.

Section 430.10 Statutory Authority

These rules are promulgated pursuant to authority conferred on the Emergency Services and Disaster Agency by "An Act to require labeling of equipment and facilities for the use, transportation, storage and manufacture of a hazardous material and to provide for a uniform response system to hazardous materials emergencies," approved and effective August 26, 1976, as amended (Ill. Rev. Stat. 1979, ch. 127, pars. 1251 et seq.).

Section 430.20 Purpose

- a) These rules establish the requirements for the telephone notification of the State Emergency Services and Disaster Agency (ESDA) and the nearest local emergency agency of incidents which involve a hazardous material. They are designed to ensure that state and local governmental agencies can respond quickly to an incident in order to minimize the impact upon the general public and the environment.

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- b) Except as noted in Section 430.70, these rules constitute hazardous material telephone notification requirements for the State of Illinois. A single call to ESDA at Area Code (217) 782-7860 activates the response system.

Section 430.30 Definitions

The definitions are provided in PA 79-1442 as amended by PA 81-384 unless as provided below:

Environment: "Environment" means any area (air, water or land) accessible to the general public. Environment specifically excludes areas inside plant or facility boundaries where public access is restricted. (See Section 430.40)

Evacuation: "Evacuation" means the withdrawal of any member of the general public from an area threatened by exposure to a hazardous material.

General Public: "General Public" means any individual not employed by or authorized to be within the area under the control of, the person responsible for the hazardous material; the exclusion of employees from this definition applies only during actual hours of employment.

Hazardous Material: "Hazardous Material" means a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property and which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (P.L. 93633).

Local Emergency Agency: "Local Emergency Agency" means police, fire, civil defense, or any other agency or department charged with the responsibility of responding to an accident involving hazardous materials.

Radioactive Material: "Radioactive Material" means any material or combinations of materials, which spontaneously emits ionizing radiations in which the estimated specific activity is not greater than 0.002 microcuries per gram of material, and in which the radioactivity is essentially uniformly distributed, are not considered to be radioactive materials.

Release: "Release" means any loss of containment of a hazardous material in a manner which results in exposure of the general public or the environment to such material. Release does not include proper application of fertilizers or pesticides for the purposes of gardening or farming, or the discharge or emission of hazardous materials pursuant to state or federal permit or other authority.

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Reportable Quantity: "Reportable Quantity" means a quantity of a hazardous material that equals or exceeds the reportable quantity (RQ) for that material as set forth in the regulations of the U.S. Dept. of Transportation at 49 CFR 171 and 172.

Section 430.40 Notification

Except as provided in Section 430.70, any person who owns, leases, operates or controls any facilities or equipment for the use, storage, handling, transportation or manufacture of a hazardous material or his agent or employee shall, in accordance with Sections 430.50 and 430.60, give notice by telephone to the State Emergency Services and Disaster Agency day or night at Area Code (217) 782-7860 and to the nearest local emergency agency whenever as a direct result of an incident or accident which involves the actual or potential release of a hazardous material if any of the following occur:

- a) A member of the general public is killed;
- b) A member of the general public receives injuries requiring his hospitalization;
- c) Fire, breakage, spill or suspected radioactive contamination occurs involving radioactive material in transportation (see Section 430.70);
- d) Fire, breakage, spill or suspected contamination occurs involving an etiologic agent;
- e) An authorized official of an emergency agency recommends evacuation of an area by the general public;
- f) There is a release of any Reportable Quantity (RQ) of a hazardous material into the environment;
- g) There is a release of oil which meets the reporting requirements in the U.S. Environmental Protection Agency regulations at 40 CFR, 110;
- h) A container of a hazardous material has been damaged to the point of showing physical evidence of a release and this release is likely to occur of such magnitude that one of the above criteria, (a) through (g), would likely be met;
- i) A rail car which is required to be placarded has sustained visible bodily damage from any cause or may receive bodily damage from any foreseeable cause after an accident;
- j) A motor vehicle which is required to be placarded by 49 CFR, 172, Subpart F, which contains a hazardous material or a hazardous

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material residue has overturned on a public highway.

Section 430.50 Timely Notification

The notification which is required in Section 430.40 shall be made at the earliest practicable moment following discovery of the incident or accident.

Section 430.60 Information Required

The notification which is required in Section 430.40 shall include the following information if known or immediately available:

- a) Name of the reporter;
- b) Name and address of person or company represented by reporter;
- c) Name of the person responsible for the control of the hazardous material;
- d) Phone number where reporter may be contacted;
- e) Date, time, and location of incident;
- f) The extent of injuries or deaths, if any;
- g) Classification, name, and quantity of hazardous material involved;
- h) Type of incident and nature of hazardous material involvement and whether a continuing danger to life exists at the scene;
- i) Health or environmental hazards associated with the hazardous materials.

Section 430.70 Exceptions

- a) If notification of an incident or accident is provided to ESDA pursuant to Sections 430.40 through 430.60 of this part, no additional telephone notification to a state agency is otherwise required under regulations of the Illinois Pollution Control Board, Illinois Environmental Protection Agency, Illinois Department of Nuclear Safety, Illinois Department of Mines and Minerals, Illinois Commerce Commission, State Fire Marshal, Illinois Department of Transportation, Illinois Department of Law Enforcement, Illinois Department of Agriculture or Illinois Department of Public Health; it shall be the responsibility of the ESDA to notify state agencies having jurisdiction.

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- b) Notification to ESDA under these rules does not satisfy any requirements to provide telephone notification of a hazardous material incident or accident to federal or local emergency agencies.
- c) Notification to ESDA under these rules does not satisfy additional requirements to provide subsequent written notification, reports or other data as may be required by law, rule, regulation, license or permit.

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DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Disqualifying Income And Reduced Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2920
- 3) Section Number: Proposed Action:
2920.65 Amended Section
2920.80 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat., 1987, ch. 48, pars. 344, 345, 349, 370, 401, 402, 430, 435, 436, 440, 441, 610 and 611.
- 5) A Complete Description of the Subjects and Issues Involved:
This proposed amendment makes several changes requested by the Employment and Training Administration to bring these rules into conformity with the requirements of federal law.
- 6) Will the proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objective? Not Applicable.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
(312)793-4240

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12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs: October 21, 1988.

Types of small businesses affected: All small businesses as defined in these proposed rules.

Reporting, bookkeeping or other procedures required for compliance: None.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page.

Section	
2920.1	Definitions
2920.5	Ineligibility To Receive Benefits Due To Performing Full-Time Work Or Due To The Receipt Of Various Income Whose Sum Is Equal To Or Greater Than The Individual's Weekly Benefit Amount
2920.10	Reduction In Benefits Due To Receipt Of Vacation Pay, Holiday Pay, Retirement Pay, And Workers' Compensation Whose Sum Is Less Than The Individual's Weekly Benefit Amount
2920.15	Reduction In Benefits Due To Receipt Of Wages For Less Than Full-Time Work
2920.20	Reduced Benefits: Payment Of Dependents' Allowance Or Spouse's Allowance
2920.25	Payments Made During Shutdown For Inventory Or Vacation Purposes
2920.30	Payments Made In Connection With Separation Or Layoff As, Or In The Nature Of Vacation Pay, Vacation Pay Allowance Or As Pay In Lieu Of Vacation
2920.35	Holiday Pay
2920.40	Payments In Lieu Of Notice Of Separation Or Layoff
2920.45	Severance Pay
2920.50	Back Pay Awards
2920.55	Receipt Of Or Filing For Unemployment Insurance Benefits Under The Laws Of Another State, Canada, Or The United States
2920.60	Supplemental Unemployment Benefits (SUB Pay)
2920.65	Retirement Pay
2920.70	Retirement Pay Considered Disqualifying Income
2920.75	Allocation Of Retirement Pay
2920.80	Miscellaneous Forms Of Retirement Pay
2920.85	Conformity With Federal Unemployment Tax Act

AUTHORITY: Implementing and authorized by Sections 234, 235, 239, 245, 401, 402, 600, 605, 606, 610, 611, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48, pars. 344, 345, 349, 370, 401, 402, 430, 435, 436, 440, 441, 610 and 611).

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER 9: INELIGIBILITY FOR BENEFITS

PART 2920
DISQUALIFYING INCOME AND REDUCED BENEFITS

SURPART A: GENERAL PROVISIONS

DEPARTMENT OF EMPLOYMENT SECURITY

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SOURCE: Adopted at 11 Ill. Reg. 1853, effective January 7, 1987; amended at 12 Ill. Reg. 160066, effective September, 23, 1988; amended at 12 Ill. Reg. _____, effective _____.

Section 2920.65

Retirement Pay

- a) For the purposes of this Part, retirement pay is defined as any pension, annuity, or other similar payment made to an individual:

- 1) On a periodic basis;
 - 2) Under a plan maintained or contributed to by an employing-unit organization or individual on the basis of previous services rendered by the individual to such organization or individual; and
 - 3) Whose period or amounts of payments made under the plan are determined at least in part by actuarial computations relating to the life expectancy of the individual upon the attainment of retirement age.
- b) Nothing in this Section shall prohibit payments from a plan maintained and operated by a union from constituting retirement pay provided that such payments otherwise satisfy the requirements of subsection (a).
- 1) Example 1: Payments made under most profit-sharing plans ordinarily would not constitute retirement pay under this definition because the period or amounts of payments made under most profit-sharing plans are not usually based on actuarial computations relating to the individual's life expectancy. Payments from profit-sharing plans which are based upon such considerations would constitute retirement pay under this definition if the other criteria set out in this Section were satisfied.

- 2) Example 2: A lump sum payment which satisfies the second and third criteria given under this Section will nevertheless not constitute retirement pay as defined by this Section because the payment

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is not made on a periodic basis. It should be noted, however, that under Section 2920.70 (d), such lump sum payments are considered disqualifying income with respect to the week in which they are paid.

(Source: Amended at 12 Ill. Reg. _____, effective _____, 1988)

Section 2920.80

Miscellaneous Forms of Retirement Pay

- a) On the basis of the definitions and principles concerning retirement pay set out in Sections 2920.55 and 2920.70, an individual's receipt of payments from the following sources shall be considered 100% disqualifying income;
- 1) All profit sharing plans funded entirely by an employing-unit the individual or organization for whom the individual performed services which constitute retirement pay under Section 2920.65;
 - 2) All Federal military service pensions provided that the individual's eligibility for benefits is based at least in part on wages earned from Federal civilian or military service;
 - 3) All pensions under the Railroad Retirement Act of 1974 (45 U.S.C. 231-231t) provided that the individual's eligibility for benefits is based at least in part on wages earned from Federal civilian or military service.
- b) On the basis of the definitions and principles relating to retirement pay set out in Sections 2920.65 and 2920.70, an individual's receipt of payments from the following sources shall be considered 50% disqualifying income:
- 1) Social Security retirement pensions and disability payments based on the individual's employment, including those based on self-employment;
 - 2) Federal civilian employment pensions provided that the individual's eligibility for benefits is based at least in part on wages earned from Federal civilian or military service;

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- 3) All State of Illinois or local government retirement or disability pensions.

c) On the basis of the definitions and principles concerning retirement pay set out in Sections 2920.65 and 2920.70, an individual's receipt of payments from the following sources shall not be considered disqualifying income:

- 1) An independent pension or retirement plan which was fully paid for by the individual;
- 2) Payment from a profit-sharing plan which does not constitute retirement pay under Section 2920.65;
- 3) A pension under the Railroad Retirement Act of 1974 (45 U.S.C. 231-231t) provided that the individual's eligibility for benefits is not based on any wages earned from federal civilian or military service;
- 4) Federal civilian employment or military service pensions provided that the individual's eligibility for benefits is not based on wages earned from federal civilian or military service;
- 5) Retirement payments from a state (other than Illinois) or from a local government outside Illinois which is not an employing unit under Section 204 of the Act;
- 6) Any retirement payments from any individual or type of organization (including retirement payments from any partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or from the receiver, trustee in bankruptcy, trustee or successor thereof, or from the legal representative or any deceased person) which is not an employing unit under Section 204 of the Act.
- 72) Social Security benefits payable to a surviving spouse or dependent, not attributable to the previous work of the surviving spouse or dependent;

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- 8) ~~Social Security disability benefits payable to the individual;~~

93) Veterans Administration compensation payments which are not federal military service pensions;

104) Any federal (military service or civilian employment) disability payments if they are not part of a retirement plan;

11) ~~Any private disability payment;~~

125) Payments from Individual Retirement Accounts (IRA) and Keogh Accounts.

(Source: Amended at 12 Ill. Reg. _____, effective _____, 1988)

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROTECTION AGENCY

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NOTICE OF PROPOSED AMENDMENTS

1. Heading of the Part: Procedures for Operation of the Non-Hazardous Solid Waste Fee System

2. Code Citation: 35 Ill. Adm. Code 858

<u>Section Numbers</u>	<u>Proposed Action</u>
858.101	Amend
858.103	Amend
858.107	Amend
858.201	Amend
858.202	Amend
858.203	Amend
858.204	Renumber and Amend
858.205	Renumber and Amend
858.206	New Section
858.207	New Section
858.208	New Section
858.302	Amend
858.303	Amend
858.304	Renumber and Amend
858.305	Renumber and Amend
858.306	Renumber
858.307	New Section
858.308	New Section
858.309	New Section
858.310	New Section
858.401	Amend

4. Statutory Authority: Section 22.15 of the Environmental Protection Act [Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.15, as amended by PA 85-1195, eff. August 23, 1988].

5. A Complete Description of the Subject and Issues Involved: The Environmental Protection Act prescribes an annual fee which landfills must pay. The amount of the fee is a function of the amount of waste deposited at a landfill. The Act requires that the Agency promulgate rules relating to the calculation of the fee and to the procedures for fee payment. This rulemaking amends Part 858 to incorporate recent amendments to Section 22.15 of the Act.

6. Will this Proposed Rulemaking replace an Emergency Rule currently in effect? No.

7. Does this Rulemaking contain an Automatic Repeal Date? No.

8. Does this Rulemaking contain Incorporations by Reference? No.

9. Are there other Proposed Amendments pending on this Part? No

10. Statement of Statewide Policy Objectives: It is the policy of the State of Illinois to discourage permanent disposal in landfills as a waste management technique and to encourage the development of other waste management options. The fee imposed under Section 22.15 of the Act helps to further that policy. These rules are necessary to ensure that the fee is collected.

11. Time, place and manner in which interested persons may comment on this Rulemaking: Oral or written comments may be directed to the following:

Charles V. Mikalian
Enforcement Programs
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

All comments received on or before December 12, 1988 will be considered.

12. Initial Regulatory Flexibility Analysis:

- Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 17, 1988.
- Types of small businesses affected: Virtually all businesses, large or small, involved in solid waste landfilling will be affected.
- Reporting, bookkeeping or other procedures required for compliance: Landfill operators must maintain records of the weight or volume of waste received on a daily, monthly and quarterly basis. Each quarter, these amounts shall be reported to the Agency and shall be accompanied by a quarterly fee payment.
- Types of professional skills necessary for compliance:

No special skills are necessary for the recordkeeping. Scientific or engineering expertise may be necessary in order to successfully claim some of the fee exemptions set out in the Act. Such expertise should be readily available through contract labs or consultants.

The full text of the Proposed Amendments begins on the next page.

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 11: ENVIRONMENTAL PROTECTION AGENCY

PART 858

PROCEDURES FOR OPERATION OF THE
NON-HAZARDOUS SOLID WASTE FEE SYSTEM

SUBPART A: GENERAL PROVISIONS

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858.104 Retention of Records

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RECORDS WHERE THE QUANTITY OF WASTE HAS BEEN WEIGHED

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858.203 Daily Solid Waste Record

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858.303 Daily Solid Waste Record

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858.304 Quarterly Waste Summary (Renumbered)

858.305 Supplemental Solid Waste Record (Renumbered)

858.306 Measurement (Renumbered)

858.307 Monthly Solid Waste Record

858.308 Quarterly Solid Waste Summary

858.309 Revisions to Monthly Solid Waste Record and Quarterly Solid Waste Summary

858.310 Measurement

SUBPART D: PROCEDURES FOR PAYMENT OF FEES

Section

858.401 Quarterly Submission of Payment

858.402 Manner of Payment

AUTHORITY: Implementing and authorized by Section 22.15 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.15, as amended by PA 85-1195, eff. August 23, 1988).

SOURCE: Emergency rules adopted at 11 Ill. Reg. 1668, effective January 1, 1987, for a maximum of 150 days; adopted at 11 Ill. Reg. 9605, effective May 5, 1987; amended at 11 Ill. Reg. _____, effective _____.

Section 858.101 Applicability

The regulations of this Part apply to OWNERS AND OPERATORS OF SANITARY LANDFILLS PERMITTED OR REQUIRED TO BE PERMITTED BY THE AGENCY TO PERMANENTLY DISPOSE OF SOLID WASTE IF THE SANITARY LANDFILL IS LOCATED OFF THE SITE WHERE SUCH WASTE WAS PRODUCED AND IF SUCH SANITARY LANDFILL IS OWNED, CONTROLLED AND OPERATED BY A PERSON OTHER THAN THE GENERATOR OF SUCH WASTE (Section 22.145(b) of the Act.

(Source: Amended at 11 Ill. Reg. _____, effective _____)

Section 858.103 Exemptions from Fee System

a) The fee payment provisions set forth in Subpart D shall not apply to:

1) SOLID WASTE WHICH IS HAZARDOUS WASTE;

2) ANY LANDFILL WHICH IS PERMITTED BY THE AGENCY TO RECEIVE ONLY DEMOLITION OR CONSTRUCTION DEBRIS OR LANDSCAPE WASTE; OR

3) THE FOLLOWING WASTES:

A) FOUNDRY-SAND

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- B) GOAL-COMBUSTION-WASTE-INCLUDING-SCRUBBER-WASTE-AND-FLUIDIZED-BED-BOILER-WASTE-WHICH-DOES-NOT-CONTAIN-METAL-CLEANING-WASTE
- C) SLAG FROM THE MANUFACTURE OF IRON AND STEEL
- POLLUTION CONTROL WASTE
- B) WASTES FROM RECYCLING, RECLAMATION OR REUSE PROCESSES WHICH HAVE BEEN APPROVED BY THE AGENCY AS BEING DESIGNED TO REMOVE ANY CONTAMINANT FROM WASTES SO AS TO RENDER SUCH WASTES REUSABLE, PROVIDED THAT THE PROCESS RENDERS AT LEAST 50% OF THE WASTE REUSABLE;

- C) NON-HAZARDOUS SOLID WASTE THAT IS RECEIVED AT A SANITARY LANDFILL AND COMPOSTED OR RECYCLED THROUGH A PROCESS PERMITTED BY THE AGENCY;

- 4) Wastes received permanently disposed at a sanitary landfill owned, controlled or operated by the person who generates such wastes; and who also owns, controls and operates the landfill;

- 5) Wastes received permanently disposed at a sanitary landfill which is located on the site where such wastes were produced.

- b) The Agency shall grant exemptions from the fee payment provisions set forth in Subpart C in accordance with Section 22.156 and 22.16a of the Act. Claims for such exemptions must be supported by documentation substantiating that each of the statutory criteria for exemption has been met.

- c) For purposes of this Section, a waste is a "pollution control waste" rather than an "industrial process waste" if it is a non-hazardous special waste resulting from operation of a pollution control device authorized or permitted pursuant to any state or federal law or any standards or regulations thereunder.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 858.107 Landfills Maintaining Records under Subparts B and C

Under Section 22.145 of the Act, for a sanitary landfill receiving less than 150,000 cubic yards per calendar year, the fee is intended to be based on cubic yards of waste received instead of the quantity (weight) of waste weighed. For sanitary landfills which weigh the quantity of waste received

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but are unsure of whether they will receive more than 150,000 cubic yards in a calendar year, the Agency advises that records be maintained in accordance with both Subparts B and C. Unless records are maintained under Subpart C a landfill weighing the quantity of waste received will not be able to take advantage of the lower rates available for sanitary landfills receiving less than 150,000 cubic yards per calendar year. In addition, for those landfills receiving more than 150,000 cubic yards per calendar year, unless records are maintained under both Subparts B and C, there will be no means by which to determine which of the two rates (45 cents \$0.60 per cubic yard or 96 cents \$1.27 per ton) yields the lower net fee.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 858.201 Applicability

The requirements of this Subpart apply to sanitary landfills where THE OWNER OR OPERATOR WEIGHS THE QUANTITY OF SOLID WASTE RECEIVED WITH A DEVICE FOR WHICH NO EXEMPTION HAS BEEN OBTAINED UNDER THE WEIGHTS AND MEASURES ACT (Ill. Reg. Ch. 1985, ch. 147, pars. 101 et seq.) (Section 22.145(b)(1) of the Act).

(Source: Amended at Ill. Reg. _____, effective _____)

Section 858.202 Records

- a) The operator of a sanitary landfill shall keep a record of solid waste received at the landfill. The operator shall keep the following records.

- 1) Daily Solid Waste Record;
- 2) Monthly Solid Waste Record; and
- 23) Quarterly Solid Waste Summary; and
- 3) Supplemental Solid Waste Record.

- b) Each Monthly Solid Waste Record and Quarterly Solid Waste Summary and each Supplemental Solid Waste Record submitted to the Agency shall be in a form as prescribed by the Agency.

- c) Operators and landfills annually receiving more than 150,000 cubic yards of waste subject to these rules shall elect to submit each Monthly Solid Waste Record and each Quarterly Solid Waste Summary and fee statement and each Supplemental Solid Waste Summary-supplementary thereto, on the basis of weight (i.e., pursuant to Subpart B of these rules) or on the basis of volume (i.e., pursuant to Subpart C of

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these rules) but not both. Although owners can elect to submit one quarter's waste summary and fee payment on the basis of weight and the next quarter's waste summary and fee payment on the basis of volume, the final quarter's waste summary and fee payment (i.e., that due January 15) shall report annual waste receipts and calculate annual fees on the basis of volume or weight, but not both.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 858.203 Daily Solid Waste Record

a) The Daily Solid Waste Record shall be maintained at the site and shall include the day of the week, the date, the Agency designated site number, and the site name and address. For each load of waste received permanently disposed at the site the following information shall be recorded in the Daily Solid Waste Record:

1) The quantity of solid waste received permanently disposed as weighed with a device for which certification has been obtained under the Weights and Measures Act.

2) If the waste is a non-hazardous special waste, the following information:

A) The supplemental waste stream permit number for any waste stream permitted under 35 Ill. Adm. Code 807.210, or a description of the waste stream in like manner as required for supplemental waste stream permits if such a supplemental waste stream permit is not required; and

B) For waste streams received under authority of a supplemental waste stream permit only, the name of the generator.

3) If the waste load received permanently disposed is exempt from the fee payment provision of Subpart D under Section 858.103(a), the subparagraph under which the waste is exempted and a description of the waste.

4) If the waste received permanently disposed is exempt from the fee payment provisions of Subpart D under Section 858.103(b), the following information:

A) The Agency exemption granted for the waste; and

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B) The contract under which the solid waste is received.

b) Entries of the Daily Solid Waste Record as required by Subsection (a) shall be made contemporaneously with the receipt of each load unless the operator uses a different method of recording the required information which assures that required information can be entered on the Daily Solid Waste Record by the end of each business day in which case the information must be entered in the Daily Solid Waste Record by the end of each business day. Where an alternative method of contemporaneous recording is used, that record, in addition to the Daily Solid Waste Record, must be maintained in accordance with the records retention provisions of Section 858.104.

c) At the end of each business day the operator shall record on the Daily Solid Waste Record the total amount of waste received permanently disposed in tons weighed and the total amount of waste received that is subject to the fee provisions of Subpart D.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 858.204 Quarterly Solid Waste Summary (Renumbered)

(Source: Section 858.204 renumbered to Section 858.207 at ___ Ill. Reg. ___, effective ___)

Section 858.205 Supplemental Solid Waste Record (Renumbered)

(Source: Section 858.205 renumbered to Section 858.208 at ___ Ill. Reg. ___, effective ___)

Section 858.206 Monthly Solid Waste Record

a) A Monthly Solid Waste Record shall be maintained at the site and shall include the following information:

1) The Agency designated site number, the site name and month for which the record applies.

2) The total quantity of solid waste received, in tons weighed, for each day of the calendar month.

3) The quantity of solid waste permanently disposed, in tons weighed, which is exempted from the fee payment provisions,

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showing the categorical exemptions which applies under Section 858.103, for each day of the calendar month.

- 4) The quantity of solid waste permanently disposed, in tons weighed, which is subject to the fee payment provisions for each day of the calendar month.

- b) On or before April 15, July 15, October 15 and January 15, the landfill owner or operator shall submit to the Agency the Monthly Solid Waste Records for the three calendar months preceding the receipt date.

(Source: Amended at 111. Reg. _____, effective _____)

Section 858.204207 Quarterly Solid Waste Summary

- a) A Quarterly Solid Waste Summary shall be maintained at the site and shall include the following information:

- 1) The Agency designated site number, and the site name and address and the calendar quarter for which the summary applies.

- 2) The total quantity of solid waste received in tons weighed:

- A) for each day of the calendar quarter;
B) for each month of the calendar quarter;
C) for the entire calendar quarter; and
D) for the calendar year-to-date.

- 3) The quantity of solid waste received permanently disposed in tons weighed which is exempted from the fee payment provisions showing the categorical exemption which applies under Section 858.103:

- A) for each day of the calendar quarter;
B) for each month of the calendar quarter;
C) for the entire calendar quarter; and
D) for the calendar year-to-date.

- 4) The quantity of solid waste received permanently disposed in tons weighed which is subject to the fee payment provisions:

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- A) for each day of the calendar quarter;
B) for the month of the calendar quarter;
C) for the entire calendar quarter; and
D) for the calendar year-to-date.

- 5) The fee rate applicable under Section 22.145 of the Act.

- b) The Quarterly Solid Waste Summary shall be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and shall cover the three calendar months preceding the receipt date.

- c) In addition to the information set forth in subsection (a), the Quarterly Solid Waste Summary due on April 15 of each year shall include an estimate of the gate yard capacity remaining at the site under the Agency developmental permit then in effect and an estimate of the expected lifetime for that remaining capacity.

(Source: Section 858.207 renumbered from Section 858.204 and amended at 111. Reg. _____, effective _____)

Section 858.205208 Revisions to Monthly Solid Waste Record and Quarterly Solid Waste Summary

When errors in the amount of waste received permanently disposed or the amount of the fee due under Section 22.145, are discovered in any of the records required to be kept under this Part, a Supplemental Solid Waste Record showing the revised Monthly Solid Waste Record and Quarterly Solid Waste Summary reflecting the corrections shall be completed by the site operator and submitted to the Agency. The Supplemental Solid Waste Record shall be received by the Agency no later than the seventh day following the discovery of the error. The site operator shall show the adjustment on the next Quarterly Solid Waste Summary. The revised Monthly Solid Waste Record and Quarterly Solid Waste Summary and any payment due the Agency shall be received by the Agency no later than the seventh day following the discovery of the error. If the revision results in a payment due the site, the site operator shall show the adjustment on the next Quarterly Solid Waste Summary.

(Source: Section 858.208 renumbered from Section 858.205 and amended at 111. Reg. _____, effective _____)

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Section 858.302 Records

- a) The operator of a sanitary landfill shall keep a record of solid waste received at the landfill. The operator shall keep the following records:

- 1) Daily Solid Waste Record;
- 2) Monthly Solid Waste Record; and
- 23) Quarterly Solid Waste Summary.

34) Supplemental-Solid-Waste-Records-

- b) Each Quarterly-Solid-Waste-Summary-and-each-Supplemental-Solid-Waste Record-Monthly Solid Waste Record and each Quarterly Solid Waste Summary submitted to the Agency shall be in a form as prescribed by the Agency.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 858.303 Daily Solid Waste Record

- a) The Daily Solid Waste Record shall be maintained at the site and shall include the day of the week, the date, the Agency designated site number and the site name and address. For each load of waste received at the site the following information shall be recorded in the Daily Solid Waste Record:

- 1) The amount of solid waste received as measured in cubic yards.
- 2) If the waste is a non-hazardous special waste, the following information:

- A) The supplemental waste stream permit number for any waste stream permitted under 35 Ill. Adm. Code 807.210, or a description of the waste stream in like manner as required for supplemental waste stream permits if such a supplemental waste stream permit is not required; and
- B) For waste streams received under authority of a supplemental waste stream permit only, the name of the generator.

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- 3) If the waste load ~~received~~ permanently disposed is exempt from the fee payment provisions of Subpart D under Section 858.103(e), the sub-paragraph under which the waste is exempted and a description of the waste.

- 4) If the waste load ~~received~~ permanently disposed is exempt from the fee payment provisions of Subpart D under Section 858.103(e), the following information:

- A) The Agency exemption granted for the waste; and
- B) the contract under which the solid waste is received.

- b) Entries on the Daily Solid Waste Record as required by subsection (a) shall be made contemporaneously with the receipt of each load, unless the operator uses a different method of recording the required information which assures that required information can be entered on the Daily Solid Waste Record by the end of each business day, in which case the information must be recorded in the Daily Solid Waste Record by the end of each business day. Where an alternative method of contemporaneous recording is used, that record, in addition to the Daily Solid Waste Record, must be maintained in accordance with the records retention provisions of Section 858.104.

- c) At the end of each business day the operator shall record on the Daily Solid Waste Record the total amount of waste received as measured in cubic yards and the total amount of waste received as measured in cubic yards that is subject to the fee provisions of Subpart D.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 858.304 Quarterly Solid Waste Summary (Renumbered)

(Source: Section 858.304 renumbered to Section 858.308 amended at ___ Ill. Reg. ___, effective _____)

Section 858.305 Quarterly Solid Waste Summary (Renumbered)

(Source: Section 858.305 renumbered to Section 858.309 amended at ___ Ill. Reg. ___, effective _____)

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Section 858.306 Measurement (Renumbered)

(Source: Section 858.305 renumbered to Section 858.310, at Ill. Reg. _____, effective _____).

- BA) for each month of the calendar quarter;
- CB) for the entire calendar quarter; and
- DC) for the calendar year-to-date.

Section 858.307 Monthly Solid Waste Record

a) A Monthly Solid Waste Record shall be maintained at the site and shall include the following information:

- 1) The Agency designated site number, the site name and address and the calendar month for which the record applies.
- 2) The total quantity of solid waste permanently disposed as measured in cubic yards for each day of the calendar month.
- 3) The quantity of solid waste permanently disposed as measured in cubic yards which is exempted from the fee payment provisions showing the categorical exemption which applies under Section 858.103 for each day of the calendar month.
- 4) The quantity of solid waste permanently disposed as measured in cubic yards which is subject to the fee payment provisions for each day of the calendar month.

- b) On or before April 15, July 15, October 15 and January 15, the landfill owner or operator shall submit to the Agency the Monthly Solid Waste Records for the three calendar months preceding the receipt date.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 858.304 Quarterly Solid Waste Summary

- a) A Quarterly Solid Waste Summary shall be maintained at the site and shall include the following information:

- 1) The Agency designated site number, the site name and address and the month for which the record applies.
- 2) The total quantity of solid waste received permanently disposed as measured in cubic yards:

- A) for each day of the calendar quarter;

- 3) The quantity of solid waste received permanently disposed in tons weighed which is exempted from the fee payment provisions showing the categorical exemption which applies under Section 858.103:

- A) for each day of the calendar quarter;
- BA) for each month of the calendar quarter;
- CB) for the entire calendar quarter; and
- DC) for the calendar year-to-date.

- 4) The quantity of solid waste received permanently disposed in tons weighed which is subject to the fee payment provisions:

- A) for each day of the calendar quarter;
- BA) for the month of the calendar quarter;
- CB) for the entire calendar quarter; and
- DC) for the calendar year-to-date.

- 5) The fee rate applicable under Section 22.145 of the Act.

- b) The Quarterly Solid Waste Summary shall be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and shall cover the three calendar months preceding the receipt date.

- c) In addition to the information set forth in subsection (a), the Quarterly Solid Waste Summary due on April 15 of each year shall include an estimate of the capacity remaining at the Site under the Agency permits then in effect and an estimate of the expected lifetime for that remaining capacity.

(Source: Section 858.308 renumbered from Section 858.304 and amended at Ill. Reg. _____, effective _____)

Section 858.305309 Supplemental-Solid-Waste-Record-Revisions to Monthly Solid Waste Record and Quarterly Solid Waste Summary

When errors in the amount of waste received permanently disposed or the amount of the fee due under Section 22.145, are discovered in an of the records required to be kept under this Part, a Supplemental-Solid-Waste-Record-showing the-revised Monthly Solid Waste Record and Quarterly Solid Waste Summary reflecting the corrections shall be completed by the site operator and submitted to the Agency. The-Supplemental-Solid-Waste-Record-shall-be received-by-the-Agency-no-later-than-the-seventh-day-following-the-discovery of-the-error---The-site-operator-shall-show-the-adjustment-on-the-next Quarterly-Solid-Waste-Summary-The revised Monthly Solid Waste Record and Quarterly Solid Waste Summary and any payment due the Agency shall be received by the Agency no later than the seventh day following the discovery of the error. If the revision results in a payment due the site, the site operator shall show the adjustment on the next Quarterly Solid Waste Summary.

(Source: Section 858.309 renumbered from Section 858.305 and amended at 111. Reg. ___, effective _____)

Section 858.308310 Measurement

- a) Although solid waste is sometimes measured in other units, the site operator is responsible for accurately measuring any load of waste in cubic yards.
- b) For motor vehicles with a gross vehicle weight in excess of 8,000 pounds, except passenger cars, the measurement in cubic yards for any load of waste shall be either the rated volumetric capacity of the vehicle delivering the load or, where charges for receiving solid waste at a landfill are based upon the actual volume received, the actual volume received.
- c) For passenger cars, regardless of weight, and other motor vehicles with a gross vehicle weight of 8,000 pounds or less, the measurement in cubic yards for any load of waste shall be based on visual observation of the volume delivered.

(Source: Section 858.310 renumbered from Section 858.306 at 111. Reg. ___, effective _____)

Section 858.401 Quarterly Submission of Payment

- a) Payment of the fee due under Section 22.145 of the Act shall be made on a quarterly basis with the submission of the Quarterly Solid Waste

Summary. Such payment shall be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and shall cover the three calendar months preceding the receipt date.

- b) For sanitary landfills subject to Subpart B, the fee payment due shall be calculated by multiplying the quantity of solid waste received in tons weighed which are subject to the fee payment provisions as reported on the Quarterly Solid Waste Summary times the applicable rate in Section 22.145 of the Act.
- c) For sanitary landfills subject to Subpart C, the fee payment due shall be calculated as follows unless otherwise calculated pursuant to subsection (q):

- 1) For payments due on April 15, July 15 and October 15:
 - A) Since the fee schedule is based on amount of cubic yards, if both tons and cubic yards are reported, the quantity of solid waste permanently disposed in tons weighed shall be converted to cubic yards. Use the total cubic yards amount (the cubic yard quantity received plus the corrected tons) to determine the applicable fee. The solid waste measured in tons subject to Subpart B should be converted to cubic yards using either an Agency standard rate of 3.3 cubic yards-to-ton conversion ratio or the site's actual rate that best reflects the site's conversion ratio. After determining the cubic yard quantity of waste subject-to-fee, multiply the quantity of solid waste subject to the fee payment provisions as reported on the Quarterly Solid Waste Summary for the preceding three calendar months by 4.

- B) Based on subsection (A), determine the applicable category under Section 22.145 of the Act.
- C) Based on subsection (B), divide the annual fee by 4.

- 2) For payments due January 15:

- A) Based on the quantity received permanently disposed during the previous calendar year determine the applicable category under Section 22.145 of the Act.
- B) Subtract the amount paid for the first, second and third quarters from the annual fee determined under (A).

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- d) If the calculation of fees under this Section results in an overpayment, the Agency shall credit this overpayment against fees due during the subsequent calendar year.
- e) 1) Each sanitary landfill shall notify the Agency by January 15 if it intends to cease receipt of waste during the calendar year. The notification shall include:
- The date by which waste will cease to be received; and
 - A fee payment schedule to assure submission of fees in accordance with Section 22.145 of the Act.
- 2) The Agency shall review the fee payment schedule to determine if it will result in an underpayment or overpayment and will notify the operator within 30 days of any deficiencies or overpayments under the schedule.
- f) 1) Each sanitary landfill which intends to begin receipt of waste shall notify the Agency no less than 90 days prior to beginning the receipt of waste. The notification shall include:

- The date by which waste will begin to be received; and
- A fee payment schedule to assure submission of fees in accordance with Section 22.145 of the Act.

- 2) The Agency shall review the fee payment schedule to determine if it will result in an underpayment or overpayment and will notify the operator within 30 days of any deficiencies or overpayments under the schedule.

- g) The fee payment due January 15 shall be determined, in all cases, pursuant to paragraph (c)(2) of this Section; however, the fee payment due on April 15, July 15 and October 15 for landfills subject to Subpart C may be calculated as follows, provided that the owner or operator has demonstrated that calculating such fee payments according to the subsection (c)(1) will result in an overpayment, and provided that the owner or operator has applied in writing for Agency approval of an alternative fee payment schedule pursuant to this subsection by February 1 of each year which application has not been denied by March 30:

- Utilizing historical or other relevant area - or facility-specific data, estimate the annual volume of wastes subject to the fees imposed under this Section which will be received at the site;

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- Determine the appropriate annual fee for such estimated volume of wastes pursuant to Section 22.145 of the Act;
- At the end of each of the first 3 quarters of the calendar year, divide the actual volume of waste received during that quarter subject to the fees imposed under this Section by the annual waste volume estimated pursuant to paragraph (1);
- Multiply the result of (3) by the annual fee determination pursuant to paragraph (2); the product of this step is the appropriate fee payment for the quarter;

Agency Note: The purpose of this subparagraph (g) is to allow owners or operators of landfills receiving widely fluctuating cyclical quarterly waste volumes (e.g., landfills whose operations are subject to seasonal variations in waste volumes received) to prevent extreme overpayments or underpayments for the first three quarters of each year. Extreme overpayments are the greater concern, inasmuch as the Agency is empowered only to grant credits against the next year's fee obligation; refunds of excess payments are not authorized.

(Source: Amended at Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

- 1) Heading of Part: Notice of Eligibility
- 2) Code Citation: 50 Ill. Adm. Code 6701
- 3) Section Numbers:

<u>Proposed Action:</u>	
6701.10	New Section
6701.20	New Section
6701.30	New Section
Exhibit A	New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 73, par. 1311.
- 5) A Complete Description of the Subjects and Issues Involved:

The purpose of this Part is to prescribe the form and content of the Notice of Eligibility insurers are required to give rejected applicants for health insurance pursuant to Section 11 of the Comprehensive Health Insurance Plan Act.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this proposed rule contain an automatic repeal date? No.
- 8) Does this proposed rule contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: N/A
- 11) Time, Place, and manner in which interested persons may comment on this proposed rulemaking:

Persons who wish to comment on this rulemaking may submit them in writing no later than 45 days after the publication of this Notice to:

Kirk H. Petersen
Staff Attorney
Department of Insurance
320 West Washington Street
Springfield, Illinois 62767

12) Initial Regulatory Flexibility Analysis:

The Department of Insurance has determined that this rulemaking does not affect small business.

The full text of the Proposed Rule begins on the next page.

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DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER jjj: COMPREHENSIVE HEALTH INSURANCE PLAN

PART 6701
NOTICE OF ELIGIBILITY

Section Purpose and Scope
6701.10 Definitions
6701.20 Notice Requirements
6701.30 Notice of Eligibility
Exhibit A Notice of Eligibility

AUTHORITY: Implementing and authorized by Section 11 of the Comprehensive Health Insurance Plan Act (Ill. Rev. Stat. 1987, ch. 73, par. 1311) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013).

SOURCE: Adopted at _____ Ill. Reg. _____, effective _____, 1988.

Section 6701.10 Purpose and Scope

The purpose of this Part is to prescribe the form and content of the Notice of Eligibility insurers are required to give rejected applicants for health insurance pursuant to Section 11 of the Comprehensive Health Plan Act. (Ill. Rev. Stat. 1987, ch. 73, par. 1311. The requirements of this Part shall apply to EVERY INSURER LICENSED TO ISSUE, AND WHICH ISSUES FOR DELIVERY, POLICIES OF HEALTH INSURANCE IN THIS STATE.

Section 6701.20 Definitions

"CHIP" means the Illinois Comprehensive Health Insurance Plan.

"Health insurance" MEANS ANY HOSPITAL, SURGICAL OR MEDICAL COVERAGE PROVIDED UNDER AN EXPENSE-INCURRED POLICY, NON-PROFIT HEALTH CARE SERVICE PLAN CONTRACT OR HEALTH MAINTENANCE ORGANIZATION OR SUBSCRIBER CONTRACT, INCLUDING ANY AMOUNTS PAID TO A PROVIDER OF SERVICES WHETHER BY INSURANCE OR OTHERWISE. HEALTH INSURANCE SHALL NOT INCLUDE ACCIDENT ONLY, DISABILITY INCOME, HOSPITAL CONFINEMENT INDEMNITY, DENTAL OR CREDIT INSURANCE, COVERAGE ISSUED AS A SUPPLEMENT TO LIABILITY INSURANCE, INSURANCE ARISING OUT OF A WORKERS' COMPENSATION OR SIMILAR LAW, AUTOMOBILE MEDICAL-PAYMENT INSURANCE, OR INSURANCE UNDER WHICH BENEFITS ARE PAYABLE WITH OR WITHOUT REGARD TO FAULT AND WHICH IS STATUTORILY REQUIRED TO BE CONTAINED IN ANY LIABILITY INSURANCE POLICY OR EQUIVALENT SELF-INSURANCE.

ILLINOIS REGISTER

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

"Insurer" MEANS ANY INSURANCE COMPANY AUTHORIZED TO TRANSACT HEALTH INSURANCE BUSINESS IN THIS STATE AND ANY CORPORATION WHICH PROVIDES MEDICAL SERVICES AND IS ORGANIZED UNDER "THE MEDICAL SERVICE PLAN ACT", APPROVED JULY 25, 1945, AS AMENDED, "THE VOLUNTARY HEALTH SERVICES PLANS ACT", APPROVED JUNE 27, 1951, AS AMENDED, OR THE "HEALTH MAINTENANCE ORGANIZATION ACT", APPROVED AUGUST 27, 1974, AS AMENDED.

Section 6701.30 Notice Requirements

Whenever any application for health insurance is rejected for reasons(s) of the health of the applicant or any other person proposed for such insurance, the insurer shall notify the applicant or named insured in such declination of his/her potential eligibility for coverage under CHIP. Such notice shall accompany or be included in the notice of declination and shall include, at a minimum, the language as set forth in Exhibit A of this Part.

Section 6701. Exhibit A Notice of Eligibility

NOTICE OF ELIGIBILITY FOR THE
ILLINOIS COMPREHENSIVE HEALTH INSURANCE PLAN

You and/or your dependents may be eligible for health insurance coverage under the Illinois Comprehensive Health Insurance Plan (CHIP), which has been established by the State of Illinois to provide such coverage for Illinois residents. CHIP is for people who need ... and can afford ... health insurance, but who cannot obtain it because of a medical or physical condition. If you are interested in obtaining more information above CHIP, please contact:

The Illinois Comprehensive Health Insurance Plan
(address)
1-800-.....

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: GENERAL ASSISTANCE
 - 2) Code Citation: 89 Ill. Adm. Code 114
 - 3) Section Number:
114.128
Proposed Action:
Amendment
 - 4) Statutory Authority: Sections 6-8 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 6-8 and 12-13)
 - 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides that a General Assistance Project Chance Participant (City of Chicago only) will be sanctioned if he uses a supportive service for payment for something other than the supportive service for which it was provided.
 - 6) Will this proposed amendment replace an emergency amendment currently in effect? No
Yes ☐ No ☒
 - 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
 - 8) Does this proposed amendment contain incorporations by reference? No
 - 9) Are there any other proposed amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|---|
| 114.120 | Amendment | September 9, 1988
(12 Ill. Reg. 1411) |
| 114.122 | Amendment | September 9, 1988
(12 Ill. Reg. 1411) |
| 114.127 | Amendment | September 23, 1988
(1 Ill. Reg. 14996) |
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of Counseling and Litigation, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.
- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section

114.1 Description of the Assistance Program

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

114.9 Client Cooperation
114.10 Citizenship
114.20 Residence
114.30 Age
114.40 Relationship
114.50 Living Arrangement
114.52 Social Security Numbers
114.60 Work Registration Requirements
114.61 Individuals Exempt From Work Registration Requirements
114.62 Job Service Registration
114.63 Failure to Maintain Current Job Service Registration
114.64 Responsibility to Seek Employment
114.70 Initial Employment Expenses
114.80 Work and Training Programs
114.100 General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section

114.108 Project Advance
114.109 Project Advance Participation Requirements of Adjudicated Fathers
114.110 Project Advance Cooperation Requirements of Adjudicated Fathers
114.111 Project Advance Sanctions
114.113 Project Advance Good Cause for Failure to Comply
114.115 Individuals Exempt From Project Advance
114.117 Project Advance Supportive Services

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

SUBPART D: PROJECT CHANCE

Section

114.120 Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid
114.121 Persons Required to Participate in Employment and Training
114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act
114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable
114.124 Employment and Training Participation/Cooperation Requirements
114.125 Employment and Training Program Orientation
114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan
114.127 Employment and Training Program Components
114.128 Employment and Training Sanctions
114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130 Employment and Training Supportive Services
114.140 Employment Child Care

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section

114.200 Unearned Income
114.201 Budgeting Unearned Income
114.202 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203 Initial Receipt of Unearned Income
114.204 Termination of Unearned Income
114.210 Exempt Unearned Income
114.220 Education Benefits
114.221 Unearned Income In-Kind
114.222 Earmarked Income
114.223 Lump Sum Payments
114.224 Protected Income
114.225 Earned Income
114.226 Budgeting Earned Income
114.227 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228 Initial Employment
114.229 Termination of Employment
114.230 Exempt Earned Income
114.235 Recognized Employment Expenses

DEPARTMENT OF PUBLIC AID

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Section

114.240 Income From Work/Study/Training Program
 114.241 Earned Income From Self-Employment
 114.242 Earned Income From Roomer and Boarder
 114.243 Earned Income From Rental Property
 114.244 Earned Income In-Kind
 114.245 Payments from the Illinois Department of Children and Family Services
 114.246 Budgeting Earned Income For Contractual Employees
 114.247 Budgeting Earned Income For Non-contractual School Employees
 114.250 Assets
 114.251 Exempt Assets
 114.252 Asset Disregards
 114.260 Deferral of Consideration of Assets
 114.270 Property Transfers
 114.280 Supplemental Payment

SUBPART F: PAYMENT AMOUNTS

Section

114.350 Payment Levels for General Assistance
 114.351 Payment Levels in Group I Counties
 114.352 Payment Levels in Group II Counties
 114.353 Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section

114.400 Persons Who May Be Included In the Assistance Unit
 114.401 Eligibility of Strikers
 114.402 Special Needs Authorizations
 114.403 Institutional Status
 114.404 Retrospective Budgeting
 114.405 Budgeting Schedule
 114.420 Redetermination of Eligibility
 114.430 Six Month Extension of Medical Assistance Due to Increased Income From Employment

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 6-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory

DEPARTMENT OF PUBLIC AID

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amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982;

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peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150

DEPARTMENT OF PUBLIC AID

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days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 114.128 Employment and Training Sanctions

a) Clients who fail to cooperate with Project Chance shall be subject to sanctions.

- 1) Persons who fail to cooperate with the requirements of employment, and training, after having received a Project Chance assessment shall be ineligible for General Assistance for three (3) months for the first instance of non-cooperation and for six (6) months for each subsequent instance of non-cooperation.
- 2) The client who has been sanctioned shall have an opportunity to cure his/her non-cooperation at any time and be reinstated on General Assistance by signing a written intent to cooperate. Reinstatement shall be effective the date the client signs the written intent to cooperate. A client may cure non-cooperation in this way only once each twelve (12) month period. When a cure is made in this manner, non-cooperation will be treated as if it did not happen for purposes of whether a new instance of non-cooperation will result in a three (3) or a six (6) month sanction.

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NOTICE OF PROPOSED AMENDMENT

- Section 114.128 Employment and Training Sanctions (Cont'd.)
- b) Sanctions shall be imposed against those mandatory registrant who have received a full assessment and who refuse or fail to participate without good cause in Project Chance (see Section 114.129 for good cause).
- 1) Sanctioning will result from one (1) instance of any of the following:
- A) refusal/failure to respond to a job referral;
 - B) refusal/failure to accept a bona fide offer of suitable employment (see Section 114.124;
 - C) discontinuing suitable employment (including quitting a job after placement and before cancellation) without good cause (see Section 114.129); or
 - D) reducing suitable employment (i.e., hours of employment) without good cause (see Section 114.129); or
 - E) use of a supportive service payment (see Section 114.130) for something other than the supportive service for which it was provided.
- 2) A sanction will be imposed when a mandatory registrant fails to comply, without good cause, with the following Project Chance requirements on one (1) occasion, unless otherwise indicated:
- A) A mandatory registrant fails, without good cause, or refuses to respond to a written notice for an appointment. If the mandatory registrant arrives anytime within thirty (30) minutes of the start of the scheduled meeting, the mandatory registrant will be considered present. If the mandatory registrant has good cause (see Section 114.129) for being more than thirty (30) minutes late, the tardiness will be excused. The Project Chance worker will include the mandatory registrant in a scheduled group or other meeting or

DEPARTMENT OF PUBLIC AID

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- Section 114.128 Employment and Training Sanctions (Cont'd.)
- re-schedule the mandatory registrant for another meeting;
- B) A mandatory registrant refuses to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling without good cause, thereby precluding or interrupting participation or progress in the employment plan;
 - C) Registrants who fail to cooperate in Job Search one (1) time without good cause after assessment, shall be sanctioned. Each missed session is considered an instance of non-cooperation. Failure of a mandatory registrant to make the required twenty (20) employer contacts in a thirty (30) day period, shall result in a sanction (see Sections 114.124(c), and 114.129);
 - D) A registrant in the Work Experience component must report to the work assignment every day scheduled. Failure to attend the work assignment one (1) day in a thirty (30) day period, or failure to report to the job assignment initially shall result in a sanction. Each missed assignment is considered an instance of non-cooperation during a thirty (30) day period. Failure of a registrant to make the eight (8) required job contacts in a thirty (30) day period without good cause, shall result in a sanction (see Sections 114.124(c) and 114.129);
 - E) After a mandatory registrant agrees to participate in a Pre-Employment activity, he/she must maintain a satisfactory level of attendance as established by the educational facility. However, failure to attend training or education classes three (3) times in a thirty (30) day period without good cause, shall result in a sanction (see Section 114.129);

DEPARTMENT OF PUBLIC AID

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Section 114.128 Employment and Training Sanctions (Cont'd.)

F) The mandatory registrant must attend all Job Club meetings scheduled. Failure to attend one (1) job search session without good cause shall result in a sanction. Failure of a mandatory registrant to make the twenty (20) required employer contacts in a thirty (30) day period, or failure to make employer contacts as required by the Job Club, shall result in a sanction (see Sections 114.124(c) and 114.129).

G) Failure of a mandatory participant to attend training as specified for the Special Projects, shall result in a sanction.

3) A Project Chance sanction shall be imposed only on mandatory registrants who have received a full assessment (see Section 114.126 for assessment criteria).

4) No Project Chance sanction will be imposed until Project Chance staff has sent the mandatory registrant a written notice scheduling a meeting to determine whether or not the mandatory registrant had good cause for his/her failure to comply with Project Chance requirements, or is unable to comply, and the registrant has either failed to attend the meeting without good cause or failed to show good cause. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause and shall include a definition of good cause. Failure of the mandatory registrant to appear for the scheduled meeting is not considered an instance of non-cooperation.

5) A Project Chance sanction will be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, even if not previously mentioned, if the mandatory registrant establishes good cause (see Section 114.129 for good cause criteria).

6) The notice of change form issued for a Project Chance sanction shall include the following:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 114.128 Employment and Training Sanctions (Cont'd.)

A) a description of the acts of noncooperation with Project Chance, including dates where applicable;

B) a statement that the mandatory registrant's acts were without good cause (see 114.129 for good cause criteria) and if the client provided a good cause reason why the reason was rejected; and

C) in addition, the following language will be required: You will be sanctioned until (last day of sanction period). In order for General Assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application for General Assistance between (x date) and (y date). If you apply later than (y date), there may be a further gap in assistance.

(Source: Amended at 12 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: Proposed Action:
120.40 Amendment
- 4) Statutory Authority: Sections 5-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-2 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides that spouses sharing a room in a long term care facility shall be considered as residing together if that is to their advantage for purposes of eligibility.
This rulemaking will have a positive economic impact on persons regulated by the proposed amendment.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
120.10	Amendment	March 4, 1988 (12 Ill. Reg. 4463)
120.11	New Section	July 15, 1988 (12 Ill. Reg. 11676)
120.31	New Section	July 15, 1988 (12 Ill. Reg. 11676)
120.60	Amendment	July 15, 1988 (12 Ill. Reg. 11676)

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Section Numbers	Proposed Action	Illinois Register Citation
120.60	Amendment	March 4, 1988 (12 Ill. Reg. 4463)
120.64	New Section	July 15, 1988 (12 Ill. Reg. 11676)
120.80	Amendment	July 8, 1988 (12 Ill. Reg. 11408)
120.335	Amendment	August 12, 1988 (12 Ill. Reg. 12964)
120.380	Amendment	July 15, 1988 (12 Ill. Reg. 11676)
120.381	Amendment	July 15, 1988 (12 Ill. Reg. 11676)
120.382	Amendment	July 15, 1988 (12 Ill. Reg. 11676)
120.390	Amendment	July 15, 1988 (12 Ill. Reg. 11676)
120.391	Amendment	July 15, 1988 (12 Ill. Reg. 11676)
120.392	Amendment	July 15, 1988 (12 Ill. Reg. 11676)

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of Counseling and Litigation, Illinois Department of Public Aid, Jessie B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762, (217)782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

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- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART B: ASSISTANCE STANDARDS

Section
120.10
120.20
120.30
120.40
120.50

Eligibility For Medical Assistance
MANG(AABD) Income Standard
MANG(C) Income Standard
Exceptions To Use Of MANG Income Standard
AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, and DMHDD Approved Community Based Settings

120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and MANG(C)

120.62

Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

120.63

Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section
120.70

Supplementary Medical Insurance Benefits, Buy-In Program

SUBPART E: RECIPIENT RESTRICTION PROGRAM

120.80

Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90
120.91

Migrant Medical Program
Income Standards

DEPARTMENT OF PUBLIC AID

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SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.208	Client Cooperation
120.210	Citizenship
120.211	Residence
120.212	Age
120.215	Relationship
120.216	Living Arrangement
120.217	Supplemental Payments
120.218	Institutional Status
120.224	Foster Care Program
120.225	Social Security Numbers
120.230	Unearned Income
120.235	Exempt Unearned Income
120.236	Education Benefits
120.240	Unearned Income In-Kind
120.245	Earmarked Income
120.250	Lump Sum Payments and Income Tax Refunds
120.255	Protected Income
120.260	Earned Income
120.261	Budgeting Earned Income
120.262	Exempt Earned Income
120.270	Recognized Employment Expenses
120.271	Income From Work/Study/Training Program
120.272	Earned Income From Self-Employment
120.273	Earned Income From Roomer and Boarder
120.275	Earned Income In-Kind
120.276	Payments from the Illinois Department of Children and Family Services
120.280	Assets
120.281	Exempt Assets
120.282	Asset Disregards
120.283	Deferral of Consideration of Assets
120.285	Property Transfers
120.290	Persons Who May Be Included in the Assistance Unit
120.295	Payment Levels for AMI

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled

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Section	
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Foster Care Program
120.325	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
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120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-WANG
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-WANG If The Child Were Already Born
120.395 Payment Levels for MANG
120.399 Redetermination of Eligibility
- AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 572, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981;

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peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg.

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11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 3033, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 120.40 Exceptions To Use Of MANG Income Standard

MANG (AABD)

- a) An individual receiving long-term care in a licensed group care facility or a medical care facility is allowed \$30 per month in lieu of the MANG standard.
- b) Spouses sharing a room in a long term care facility, including a DMHDD facility or other medical care facility are considered residing together, if it is to

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Section 120.40 Exceptions To Use Of MANG Income Standard (cont'd)

their advantage when determining eligibility. For spouses considered residing together allow sixty dollars (\$60) per month for each individual in lieu of the MANG standard.

bc) A client 65 years of age and over receiving care in a State mental hospital is considered to be receiving long-term care.

ed) Children under age 21 are considered to be receiving long-term care if they are residing in one of the following settings:

- 1) Skilled nursing and intermediate care facilities approved for participation.
- 2) Psychiatric hospitals approved for participation.

(Source: Amended at 12 Ill. Reg. _____, effective _____)

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1) The Heading of the Part: MEDICAL PAYMENT2) Code Citation: 89 Ill. Adm. Code 1403) Section Numbers: Proposed Action:

140.390 Amendment
140.392 Amendment
140.394 Amendment

4) Statutory Authority: Sections 5-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the Department's rules to reflect certain changes made by the Department of Alcoholism and Substance Abuse in its rules on the same topic. The rules allow hospital participation in this program, and provides added definitions of some service descriptions.

The Department expects that this rulemaking will have a positive fiscal impact on providers of alcoholism and substance abuse services. The Department expects to expend \$2.6 million annually as a result of expanding participation to hospitals. The Department anticipates adopting this rule by February 1, 1989.

6) Will this proposed rule replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒8) Does this proposed amendment contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.2	Amendment	July 15, 1988 (12 Ill. Reg. 11701)

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Section Numbers	Proposed Action	Illinois Register Citation
140.3	Amendment	July 15, 1988 (12 Ill. Reg. 11701)
140.7	Amendment	July 15, 1988 (12 Ill. Reg. 11701)
140.9	Amendment	July 15, 1988 (12 Ill. Reg. 11701)
140.19	Amendment	August 12, 1988 (12 Ill. Reg. 12976)
140.100	Amendment	October 14, 1988 (12 Ill. Reg. 16738)
140.110	New Section	July 15, 1988 (12 Ill. Reg. 11701)
140.350	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.362	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.363	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.364	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.367	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.369	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.370	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.372	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.373	Repealed	April 1, 1988 (12 Ill. Reg. 5958)

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Section Numbers	Proposed Action	Illinois Register Citation
140.376	Repealed	April 1, 1988 (12 Ill. Reg. 5958)
140.400	Amendment	October 21, 1988 (12 Ill. Reg. 17172)
140.441	Amendment	October 21, 1988 (12 Ill. Reg. 17172)
140.443	Amendment	October 21, 1988 (12 Ill. Reg. 17172)
140.445	Amendment	October 21, 1988 (12 Ill. Reg. 17172)
140.447	Amendment	October 21, 1988 (12 Ill. Reg. 17172)
140.512	Amendment	July 22, 1988 (12 Ill. Reg. 11995)
140.525	Amendment	October 21, 1988 (12 Ill. Reg. 17172)
140.525	Amendment	June 3, 1988 (12 Ill. Reg. 9344)
140.526	Amendment	June 3, 1988 (12 Ill. Reg. 9344)
140.529	Amendment	June 3, 1988 (12 Ill. Reg. 9344)
140.533	Amendment	May 27, 1988 (12 Ill. Reg. 8887)
140.535	Amendment	June 17, 1988 (12 Ill. Reg. 10348)
140.543	Amendment	June 17, 1988 (12 Ill. Reg. 10348)
140.560	Amendment	June 17, 1988 (12 Ill. Reg. 10348)

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Section Numbers	Proposed Action	Illinois Register Citation
140.570	Amendment	June 17, 1988 (12 Ill. Reg. 10348)
140.582	Amendment	May 27, 1988 (12 Ill. Reg. 8887)
140.583	New Section	May 27, 1988 (12 Ill. Reg. 8887)
140.584	New Section	May 27, 1988 (12 Ill. Reg. 8888)
140.590	Amendment	June 17, 1988 (12 Ill. Reg. 10348)
140.896	New Section	July 15, 1988 (12 Ill. Reg. 11701)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Thomas Toberman, Division of Medical Programs, Illinois Department of Public Aid, 201 South Grand Avenue East, Springfield, Illinois 62763 (217) 524-7335. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 19, 1988
- B) Types of small businesses affected: Providers of alcoholism and substance abuse services
- C) Reporting, bookkeeping or other procedures required for compliance: No additional procedures

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- D) Types of professional skills necessary for compliance: No additional skills

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC and Pregnant Women Who Would Be Eligible if the Child Were Born Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.4 Covered Medical Services Under GA and AMI
140.5 Medical Services Not Covered
140.6 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section

- 140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims

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Section

140.22 Magnetic Tape Billings
 140.23 Payment of Claims
 140.24 Payment Procedures
 140.25 Overpayment or Underpayment of Claims
 140.26 Payment to Factors Prohibited
 140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.35 False Reporting and Other Fraudulent Activities
 140.40 Prior Approval for Medical Services or Items
 140.41 Prior Approval in Cases of Emergency
 140.42 Limitation on Prior Approval
 140.71 Drug Manual (Recodified)
 140.72 Drug Manual (Recodified)
 140.73 Drug Manual Update (Recodified)

SUBPART C: HOSPITAL SERVICES

Section

140.94 Hospital Services
 140.95 Participation
 140.96 General Requirements
 140.97 Special Requirements
 140.98 Covered Hospital Services
 140.99 Hospital Services Not Covered
 140.100 Limitation On Hospital Services
 140.101 Transplants
 140.102 Heart Transplants
 140.103 Liver Transplants
 140.104 Bone Marrow Transplants
 140.116 Payment for Inpatient Services for GA
 140.117 Hospital Outpatient and Clinic Services
 140.200 Payment for Hospital Services During Fiscal Year 1982
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
 140.202 Payment for Hospital Services During Fiscal Year 1983
 140.203 Limits on Length of Stay by Diagnosis
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting
 140.350 Copayments
 140.360 Payment Methodology
 140.361 Non-Participating Hospitals
 140.362 Pre July 1, 1984 Services
 140.363 Post July 1, 1984 Services
 140.364 Utilization Allocation
 140.365 Base Year Costs

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Section

140.366 Restructuring Adjustment
 140.367 Inflation Adjustment
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings
 140.370 Rate Calculation
 140.371 Payment
 140.372 Review Procedure
 140.373 Utilization
 140.374 Alternatives
 140.375 Exemptions
 140.376 Utilization, Case-Mix and Discretionary Funds
 140.390 Subacute Alcoholism and Substance Abuse Services
 140.391 Definitions
 140.392 Types of Subacute Alcoholism and Substance Abuse Services
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services
 140.398 Hearings

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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140.400 Payment to Practitioners and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
 140.416 Eye Care Services and Materials
 140.417 Limitations on Eye Care
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing of Pharmacy Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
 140.428 Chiropractic Services
 140.429 Limitations on Chiropractic Services
 140.430 Independent Laboratory Services
 140.431 Services Not Covered by Independent Laboratory
 140.432 Limitations on Independent Laboratory Services

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140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
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140.444	Compounded Prescriptions
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140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.460	Clinic Services
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140.462	Covered Services in Clinics
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140.464	Psychiatric Clinics (Hospital-based)
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140.648	Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded
140.649	Effective Dates of Reimbursement for Day Programs
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140.855	Evaluation of Need for Care
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140.958	Admitting and Clinical Privileges (Recodified)
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140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
TABLE A	Medicheck Recommended Screening Procedures
TABLE B	Health Service Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Staff Time and Allocation by Need Level (Recodified)
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982;

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amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective May 9, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17399; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684,

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effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960 effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916, Table I recodified to 89 Ill.

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Adm. Code 147.5 thru 147.205 and 147.206, Table A and 147.207, Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 140.912 and 140.914 thru 140.916, Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206, Table A and 147.207, Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. _____, effective October 24, 1988; amended at 12 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 140.390 Subacute Alcoholism and Substance Abuse Services

- a) Payment may be made for subacute alcoholism and substance abuse services provided by:
- 1) A provider licensed by the Illinois Department of Public Health under the provisions of 77 Ill. Adm. Code 200.200 for alcoholism treatment facilities.
 - 2) A provider licensed by the Illinois Department of Alcoholism and Substance Abuse under the provisions of 77 Ill. Adm. Code 205.205 for drug abuse services.
 - 3) Psychiatrists for ancillary diagnostic services.
- b) Providers must be certified for participation by the Department of Alcoholism and Substance Abuse in accordance with 77 Ill. Adm. Code Part 2090.

Section 140.390 Subacute Alcoholism and Substance Abuse Services (Con'd)

- c) Certified providers shall comply with all provisions of 77 Ill. Adm. Code Part 2090.
 - d) Providers shall enroll for participation in the Medical Assistance Program as provided in Section 140.11.
- (Source: Amended at 12 Ill. Reg. _____, effective _____)

Section 140.392 Types of Subacute Alcoholism and Substance Abuse Services

The specific types of subacute services for which payment can be made are:

- a) Outpatient treatment - the provision of face to face diagnostic and individual, group, or family treatment on a scheduled or non-scheduled basis to an individual who in the clinical judgment of a qualified treatment professional is experiencing a problem with alcohol and/or drugs (for example, family, social, financial, employment, educational, and/or legal). These services shall be delivered in accordance with an individual treatment plan recommended by a physician. Services shall include, but not be limited to assessment, evaluation, diagnosis, and subsequent individual, group, or family counseling, case coordination, aftercare, and follow-up. Outpatient services may be provided in a recipient's place of residence or other off-site location when required because of illness, disability, or infirmity and documented in the recipient's treatment plan.
- b) ~~Short-term rehabilitation~~ Intensive outpatient treatment services - the provision of diagnostic and individual or group treatment on a scheduled-only basis to an individual who in the clinical judgment of a qualified treatment professional is experiencing a problem with alcohol and/or drugs (for example, family, social, financial, employment, educational, and/or legal). These services shall be delivered in accordance with an individual's treatment plan recommended by a physician. ~~Short-term-rehabilitation~~
- c) Detoxification - the provision of immediate physiological stabilization, diagnosis, and short term treatment (for example, up to five days) on a non-scheduled basis to an individual who is in the clinical judgment of the qualified treatment professional in accordance with 77 Ill. Adm. Code 200-9034(f) 2058 intoxicated or experiencing withdrawal from the ingestion of alcohol, but whose physical and emotional condition does not require the intensity of an acute care setting. Services are provided in a licensed subacute residential setting (see 77 Ill. Adm. Code 200 2058) and shall include, but are not limited to assessment, evaluation, diagnosis, determination of need for more specialized medical care, rest under close observation, individual counseling, case coordination and subsequent referral, room and board, meals, and staff supervision.
- d) Ancillary diagnostic services - psychiatric evaluations performed by a psychiatrist to determine whether an individual's primary condition is attributable to the effects of an ingested substance or to a diagnosed psychiatric or psychological disorder. Ancillary services may be provided in a licensed treatment facility (see 77 Ill. Adm. Code 200 and-2055 2058) or in the psychiatrist's office.
- e) Residential Rehabilitation - The provision of diagnostic services and individual or group treatment on a scheduled-only residential basis in a licensed subacute setting. This service is designed to reduce or eliminate, through a controlled milieu, an

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NOTICE OF PROPOSED AMENDMENTS

Section 140.392

Types of Subacute Alcoholism and Substance Abuse Services (cont'd.)

individual's intake of alcohol and/or other substances. Residential rehabilitation must be delivered in accordance with an individual treatment plan recommended by a physician. Services must include, but are not limited to assessment, evaluation, diagnosis, and subsequent individual, group, or family counseling, education, case coordination, aftercare and followup. Residential rehabilitation is a structured residential program offered seven days per week and includes a minimum of 30 hours of treatment activities per client per week. Individuals experiencing active psychotic manifestations, or other severe mental or physical illness which requires immediate acute medical or psychiatric care, should not be admitted to residential rehabilitation. In addition, the individual shall not be intoxicated, incapacitated due to the effects of alcohol or other drugs, or in withdrawal.

(Source: Amended at 12 Ill. Reg. _____, effective _____)

Section 140.394

Payment for Subacute Alcoholism and Substance Abuse Services

- a) The amount approved for payment for alcoholism and substance abuse treatment is based on the type and amount of services required by and actually delivered to a recipient. The amount is determined in accordance with prospective rates developed by the Department of Alcoholism and Substance Abuse and approved and adopted by the Department of Public Aid (see 77 Ill. Adm. Code 2090.70). The adopted rate shall not exceed the charges to non-recipients.
- b) Rates are generated through the application of formal methodologies specific to each category, are cost-based, and individually established for each service category at each provider.

- 1) Outpatient services shall be reimbursed at an all-inclusive per client hour rate payable to the nearest quarter hour. Such services are defined as face-to-face counseling with a diagnosed

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 140.394

Payment for Subacute Alcoholism and Substance Abuse Services (Con'd)

- client. No more than three client hours shall be reimbursed for any recipient during a 24 hour period. No more than two of those hours may be reimbursed for group treatment.
- 2) ~~Short-term-rehabilitation~~ Intensive outpatient services shall be reimbursed at an all-inclusive per diem rate; a client day is defined as a minimum of four hours per 24 hour period. No more than one client day shall be reimbursed for any recipient during any 24 hour period.
- 3) Residential rehabilitation services shall be reimbursed at an all-inclusive per diem rate. No more than one client day shall be reimbursed for any recipient during any 24 hour period.
- 3+4) Detoxification services shall be reimbursed at an all-inclusive per diem rate. However, ~~where more than 50% of their detoxification admissions are less than twelve hours in length~~ ~~stay-admissions~~ shall have a per episode rate ~~for these short~~
- 4+5) Ancillary diagnostic services shall be reimbursed on a per encounter basis to practitioners at the practitioner's usual and customary charge, not to exceed the maximum established by the Department in accordance with Section 140.400.
- 5+6) The Department shall not reimburse a provider for more than one covered subacute alcoholism or substance abuse service per day except for ancillary services which may be reimbursed in addition to one of the other covered services.

(Source: Amended at 12 Ill. Reg. _____, effective _____)

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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: RIGHTS AND RESPONSIBILITIES

2) Code Citation: 89 Ill. Adm. Code 102

3) Section Number: Proposed Action: Amendment 102.123

4) Statutory Authority: Sections 3-5, 6-1, 6-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-5, 6-1, 6-2 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking provides that, if a currently active AAPD case was underpaid while receiving GA (City of Chicago), or vice versa, the Department will make the retroactive corrective payment to the currently active case.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes X No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable) (Ill. Rev. Stat. 1987, Ch. 35, par. 2205): This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Myron Brigman, Office of Counseling & Litigation, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment appears on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 102

RIGHTS AND RESPONSIBILITIES

Section	
102.10	Rights of Clients
102.20	Nondiscrimination
102.25	Grievance Rights of Clients
102.30	Confidentiality of Case Information
102.35	Case Records
102.40	Freedom of Choice
102.50	Reporting Change of Circumstances
102.60	Referral Requirements
102.63	Reporting Child Abuse/Neglect
102.66	Suitability of Home
102.70	Notice to Client
102.80	Right to Appeal
102.81	Continuation of Assistance Pending Appeal
102.82	Time Limit for Filing an Appeal
102.83	Examining Department Records
102.84	Child Care
102.90	Voluntary Repayment of Assistance
102.100	Excess Assistance (Recodified)
102.110	Recoupment of Overpayments (Recodified)
102.120	Correction of Underpayments
102.200	Recovery of Assistance
102.210	Estate Claims
102.220	Real Property Liens
102.230	Filing and Renewal of Liens
102.240	Foreclosure of Liens
102.250	Release of Liens
102.260	Personal Injury Claims
102.270	Convictions of Fraud - Eligibility
102.280	Single Conviction of Fraud - Administrative Review Board

AUTHORITY: Implementing Article XI and authorized by Sections 12-4.4 through 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1985, ch. 23, pars. 11-1 et seq., 12-4.4 through 12-4.6 and 12-13.)

SOURCE: Filed and effective December 31, 1977; peremptory rule at 2 Ill. Reg. 52, p. 449, effective December 13, 1978; amended at 2 Ill. Reg. 52, p. 462, December 23, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 39, effective March 1, 1979;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; amended at 5 Ill. Reg. 8035, effective July 27, 1981; amended at 5 Ill. Reg. 10775, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 7 Ill. Reg. 8350, effective July 1, 1983; amended at 8 Ill. Reg. 18910, effective September 26, 1984; amended at 9 Ill. Reg. 327, effective December 31, 1984; at 9 Ill. Reg. 6812, effective April 26, 1985; amended at 9 Ill. Reg. 7162, effective May 1, 1985; amended at 9 Ill. Reg. 13091, effective August 16, 1985; amended at 9 Ill. Reg. 14704, effective September 13, 1985; amended at 9 Ill. Reg. 15912, effective October 4, 1985; amended at 10 Ill. Reg. 3981, effective February 22, 1986; amended at 10 Ill. Reg. 14795, effective August 29, 1986; amended at 10 Ill. Reg. 19088, effective October 24, 1986; Sections 102.100 and 102.110 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 14067, effective August 10, 1987; amended at 11 Ill. Reg. 18239, effective October 30, 1987; amended at 12 Ill. Reg. 3735, effective February 5, 1988; amended at 12 Ill. Reg. _____, effective _____.

Section 102.120 Correction of Underpayments

a) When it is determined that an AFDC assistance unit has not received all the assistance to which it is entitled, the Department shall provide retroactive corrective payments when the assistance unit is currently active.

b) When it is determined that an AABD or GA (City of Chicago) assistance unit has not received all the assistance to which it is entitled, the Department shall provide retroactive corrective payments when the assistance unit is currently active. If a currently active AABD assistance unit was underpaid while receiving GA (City of Chicago), or vice versa, the Department shall provide the retroactive corrective payments to the currently active assistance unit.

(Source: Amended at 12 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses

The full text of the Proposed Amendment begins on the next page:

- 1) The Heading of the Part: SUPPORT RESPONSIBILITY OF RELATIVES
- 2) Code Citation: 89 Ill. Adm. Code 103
- 3) Section Number: Proposed Action: Amendment 103.20
- 4) Statutory Authority: Sections 10-1 through 10-3 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 10-1 through 10-3 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides that spouses living together as a couple shall be treated as a couple if that is to their advantage in determining eligibility for AABD. This rulemaking shall have a positive economic impact on persons regulated by the proposed amendment.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes X No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendment pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Counseling and Litigation, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER a: GENERAL PROVISIONS

PART 103

SUPPORT RESPONSIBILITY OF RELATIVES

Section

193.10

Support From Responsible Re

103.20

Determination Of Ability To Support

103.30

Redetermination Of Ability To Support

103.40

Failure or Refusal to Provide Information Regarding

21

103-50

Modification or Release From Support Order

103. Tabl

A Standard For Determining Responsible Relative

Liability

AUTHORITY: Implementing and authorized by Article X of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, par. 10-1 et seq.).

SOURCE: Filed and effective December 30, 1977; amended at 3 Ill. Reg. 41, p. 171, effective October 1, 1979; amended at 6 Ill. Reg. 7441, effective June 16, 1982; codified at 7 Ill. Reg. 6493; amended at 10 Ill. Reg. 21898, effective December 12, 1986; amended at 11 Ill. Reg. 6493, effective March 27, 1987; amended at 12 Ill. Reg. 14681, effective August 31, 1988; amended at 12 Ill. Reg. . . .

Section 103.20 Determination Of Ability To Support

- a) Responsible relatives living apart from the recipient/assistance unit.
- 1) For responsible relatives living apart from the recipient/assistance unit:

A responsible relative is liable for all assistance provided to or in behalf of the recipient, unless the relative establishes a lesser ability to support by providing the Department with income and asset information from which it can determine the relative's ability to support. However, the monthly support obligation assessed a responsible relative determined able to pay shall not exceed the average monthly

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NOTICE OF PROPOSED AMENDMENT

Section 103.20 Determination Of Ability To Support (Cont'd.)

amount of assistance provided by the Department to or in behalf of the recipient.

- 2) Except in Title IV-D cases where the guidelines set out in 89 Ill. Adm. Code 160.60(c) shall apply, the Department shall apply Table A to the gross income figure contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his/her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income which is attributable to the responsible relative will be considered.
- b) Responsible relatives living apart or with the recipient/assistance unit.
- 1) For responsible relatives living with the recipient/assistance unit:
- The Department shall determine a responsible relative's ability to support dependents according to the standards and asset limitation indicated below:

- A) Aid to the Aged, Blind or Disabled (AABD)
- The Department shall use the AABD financial assistance standard and the appropriate asset limitations, as set out in 89 ILL. Adm. Code 111.110 through 111.110 and 113.140, to determine the relative's ability to support.
- B) Medical Assistance - No Grant (AABD) - (MANG-AABD)
- The Department shall use the MANG (AABD) assistance standard and the appropriate asset limitations, as set out in 89 ILL. Adm. Code 120.7 and 120.362, to determine the relative's ability to support.

NOTICE OF PROPOSED AMENDMENT

Section 103.20 Determination Of Ability To Support (Cont'd.)

C) Aid to Families with Dependent Children (AFDC) Except in Title IV-D cases where the guidelines set out in 89 Ill. Adm. Code 160.60(c) shall apply, the Department shall apply Table A to the gross income of the parents of persons receiving AFDC age 18 through 20. The gross income figure is that contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his/her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income which is attributable to the responsible relative will be considered.

D) MANG(C)

The Department shall use the MANG standard and the appropriate asset limitations, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 120.8, to determine the relative's ability to support.

E) General Assistance (GA) (City of Chicago Only)

The Department shall use the family or adult payment level, as set out in 89 Ill. Adm. Code 111.10 through 111.110 114.250, to determine the relative's ability to support.

F) Aid to the Medically Indigent (AMI)

The Department shall use the AMI standard, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 120.10, to determine the relative's ability to support.

2) Responsible relative living apart from the recipient/assistance unit:

NOTICE OF PROPOSED AMENDMENT

Section 103.20 Determination Of Ability To Support (Cont'd.)

The Department shall apply Table A to the gross income figure contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his/her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income which is attributable to the responsible relative will be considered.

c) Determine if a hospitalized/institutionalized individual is "living with" a responsible relative.

1) Aid to the Aged, Blind or Disabled (MANG and MAG) consider the client as living apart from a responsible relative for any month the client is hospitalized or institutionalized the first day of the calendar month through the last day of the calendar month. If an infant is hospitalized from birth through the end of the calendar month the client is considered hospitalized for the entire month. If a client is in a hospital/institution on the first day of the calendar month but dies prior to the end of the calendar month consider the individual living apart from the responsible relative(s).

2) Aid to the Aged, Blind or Disabled (MANG) considers hospitalized or institutionalized spouses as living together as a couple if treating them as a couple is to their advantage in determining eligibility.

2b3) Aid to Families with Dependent Children (MAG) and MANG consider a hospitalized individual as living with the responsible relative if under the relative's control and supervision regardless of the length of hospitalization.

(Source: Amended at 12 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED REPEALER

5) A Complete Description of the Subjects and Issues Involved:

Under the "Illinois Alcoholism and Other Drug Dependency Act" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1-101 et seq.), the Department of Alcoholism and Substance Abuse is responsible for the licensure and regulation of alcoholism and intoxication treatment facilities and programs. Prior to July 1, 1988, when this Act took effect, the Department of Public Health had licensed and regulated these facilities and programs under the "Alcoholism Treatment Licensing Act" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6301 to 6344).

Alcoholism and Substance Abuse is responsible for the licensure and regulation of alcoholism and intoxication treatment facilities and programs. Prior to July 1, 1988, when this Act took effect, the Department of Public Health had licensed and regulated these facilities and programs under the "Alcoholism Treatment Licensing Act" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6301 to 6344).

Department of Public Health had licensed and regulated these facilities and programs under the "Alcoholism Treatment Licensing Act" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6301 to 6344).

Department of Public Health and
and programs under the "Alcoholism Treatment Licensing Act"

200.100,	200.101,	200.150,	200.201	Repeat
200.202,	200.203,	200.204,	200.205	Repeat
200.206,	200.207,	200.208,	200.209	Repeat
200.210,	200.301,	200.302,	200.303	Repeat
200.401,	200.402,	200.403,	200.404	Repeat
200.405,	200.406,	200.501,	200.502	Repeat
200.503,	200.504,	200.601,	200.602	Repeat
200.603,	200.604,	200.605,	200.701	Repeat
200.702,	200.703,	200.704,	200.705	Repeat
200.706,	200.707,	200.708,	200.801	Repeat
200.802,	200.803,	200.804,	200.805	Repeat
200.806,	200.807,	200.808,	200.809	Repeat
200.810,	200.811,	200.812,	200.813	Repeat
200.814,	200.815,	200.816,	200.817	Repeat
200.818,	200.819,	200.820,	200.821	Repeat
200.822,	200.823,	200.824,	200.825	Repeat
200.826,	200.901,	200.902,	200.903	Repeat
200.904,	200.905,		200.906	Repeat
200.907,	200.908,	200.909,	200.910	Repeat
200.911,	200.912,	200.913,	200.914	Repeat
200.915,	200.916,	200.917,	200.918	Repeat
200.919,	200.920,	200.921,	200.922	Repeat
200.923,	200.924,	200.925,	200.926	Repeat
200.927,	200.928,	200.929,	200.930	Repeat
200.931,	200.932,	200.933,	200.1001	Repeat
200.1002,	200.1003,	200.1004,	200.1005	Repeat
200.1006,	200.1007,	200.1008		Repeat

Proposed Rulemaking not applicable.

12) Initial Regulatory Flexibility Analysis:

A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

Public Act 85-965, effective July 1, 1988, enacted the "Illinois Alcoholism and Other Drug Dependency Act" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1-101 et seq.) This Public Act also repealed the "Alcoholism Treatment Licensing Act" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6301 to 6344), which provided the statutory authority for the adoption of these rules.

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B) Type of Small Businesses Affected:

Profit and not-for-profit individuals, corporations, or other entities who are in the business of providing alcohol abuse treatment, intervention, or research.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance.

The full text of the Proposed Repealer begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 200
ALCOHOLISM AND INTOXICATION TREATMENT PROGRAMS

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- 200.1006 Non-Residential Alcoholism Rehabilitation Treatment Programs
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- 200.1008 Additional Requirements

AUTHORITY: Implementing and authorized by the Alcoholism Treatment Licensing Act. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 2301 et seq.)

SOURCE: Adopted October 19, 1976; emergency amendment at 2 Ill. Reg. 35, p.73, effective August 23, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 3, p.1, effective January 20, 1979; amended at 3 Ill. Reg. 27, p.107, effective July 1, 1979; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 14753, effective October 21, 1983; amended at 11 Ill. Reg. 1881, effective February 1, 1987; repealed at 13 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 200.100 Applicability

This Part provide standards for the licensure and operation of alcoholism treatment facilities and programs. Facilities and programs covered by this Part include residential alcoholism rehabilitation centers, halfway houses, alcoholism outpatient programs, social setting detoxification programs, non-hospital medical detoxification programs, non-residential alcoholism rehabilitation treatment programs, and adolescent residential treatment programs.

Section 200.101 Definitions

As defined in this Part, unless the context requires otherwise, the terms defined herein have the meanings ascribed to them in this section:

"Act" means the Alcoholism Treatment Licensing Act. (Ill. Rev. Stat.

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1985, ch. 111 1/2, par. 2301 et seq.)

"Adequate" means enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the clients of a facility under the particular set of circumstances in existence at the time of review.

"Adolescent Residential Treatment Program" is a residential program for persons who have reached their 12th birthday but have not yet reached their 19th birthday.

"ALCOHOLIC" MEANS A PERSON WHO SUFFERS FROM AN ILLNESS CHARACTERIZED BY PREOCCUPATION WITH ALCOHOL WHICH IS TYPICALLY ASSOCIATED WITH PHYSICAL DISABILITY AND IMPAIRED EMOTIONAL, OCCUPATIONAL OR SOCIAL ADJUSTMENTS AS DIRECT CONSEQUENCE OF LOSS OF CONTROL OVER CONSUMPTION OF ALCOHOL DEMONSTRATED BY PERSISTENT AND EXCESSIVE USE OF ALCOHOL, SUCH AS TO LEAD USUALLY TO INTOXICATION IF DRINKING IS BEGUN; BY CHRONICITY; BY PROGRESSION; AND BY TENDENCY TOWARD RELAPSE. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 2303.4)

"ALCOHOLISM OUTPATIENT PROGRAM" IS A PROGRAM WHICH PROVIDES DIAGNOSTIC AND PRIMARY ALCOHOLISM TREATMENT SERVICES, ON A SCHEDULED OR NON-SCHEDULED BASIS, IN A NON-RESIDENTIAL SETTING TO ALCOHOLIC PERSONS AND THEIR FAMILIES WHOSE PHYSICAL AND EMOTIONAL STATUS ALLOWS THEM TO FUNCTION IN THEIR USUAL ENVIRONMENTS. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 2303.3(d))

"Client" is any person being treated for alcoholism or alcohol abuse in a facility or program described in this Part. The term "client" does not include "significant others", who may be involved only in activities concerning the treatment or support of the "client".

"Clinical Procedures" are services provided to clients for the purpose of resolving alcohol abuse problems, which normally include interviewing, assessing, treatment planning, counseling, supportive services and activities.

"Clinical (Unit) Record" means a client file in which information concerning that client's treatment is maintained under one identification number.

"Clinical Staff" are personnel of an alcoholism treatment center who normally provide care and treatment directly to clients.

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"Controlled Substance" is any item which is listed in Article II of the Illinois Controlled Substance Act (Ill. Rev. Stat. 1985, ch. 56 1/2, par. 1100 et. seq.), the Illinois Cannabis Control Act (Ill. Rev. Stat. 1985, ch. 56 1/2, par. 701 et. seq.), or Section 202 of the Federal Comprehensive Drug Abuse, Prevention and Controls Act of 1970 (21 U.S.C. 812), or rules and regulations promulgated under any of the above-named acts, as now or hereafter amended.

"DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 2303.1)

"DETOXIFICATION FACILITY" IS A PUBLIC OR PRIVATE TREATMENT FACILITY CAPABLE OF PROVIDING, ON SITE OR BY CONTRACTUAL AGREEMENT, IMMEDIATE AND SHORT TERM EMERGENCY MEDICAL CARE AND OTHER TREATMENT UNDER THIS ACT. FACILITIES NOT PROVIDING EMERGENCY MEDICAL SERVICES SHALL CONTRACT FOR THOSE SERVICES. (Ill. Rev. Stat. 1985, ch. 91 1/2, par. 502(h))

"Dietetic Service Supervisor" - is a person who:

is a dietitian as defined in this Section; or

is a graduate of a dietetic technician or dietetic assistant training program, by correspondence or classroom, approved by the Commission of Dietetic Registration of the American Dietetic Association; or

is a graduate of a Department-approved course based upon "Plan IV - Minimum Academic Requirements for American Dietetic Association Membership, July 1, 1972", that provides ninety (90) or more hours of classroom instruction in food service supervision and who has had a minimum of one (1) year of experience in the dietary department of a health care institution; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

"Dietitian" is a person who is eligible for registration by the Commission of Dietetic Registration of the American Dietetic Association; or has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one (1) year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic

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Section 200.101 (continued)

education, as required for continued eligibility for membership in the American Dietetic Association in accordance with "Plan IV, Minimum Academic Requirements for American Dietetic Association Membership, July 1, 1972."

"DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 2303.2)

"Distinct Part" means an entire, physically identifiable unit consisting of all of the program space within that unit and having facilities meeting the standards applicable to the particular service to be provided.

"Exempt Facility" is:

any institution licensed under the Hospital Licensing Act, (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 142 et seq.);

any institution licensed under the Nursing Home Care Reform Act of 1979, (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4151-101 et seq.); or

any institution licensed under the Ambulatory Surgical Treatment Center Act, (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 157-8.1 et seq.).

"Firm Referral" is the referral of a voluntary client from one facility to another facility with documented follow-up (see Section 200.804).

"Full-Time Equivalent (FTE)" means 40 hours of scheduled staff time.

"HALFWAY HOUSE" IS A FACILITY WHICH PROVIDES LESS INTENSIVE REHABILITATION TREATMENT SERVICE, INCLUDING AT LEAST GROUP COUNSELING, ON A LONGER RESIDENTIAL BASIS, USUALLY 3 TO 12 MONTHS, AND USUALLY HAS A VOCATIONAL ORIENTATION. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 2303.3(c))

"INCAPACITATED BY ALCOHOL" MEANS THAT A PERSON, AS A RESULT OF THE USE OF ALCOHOL, IS UNCONSCIOUS OR OTHERWISE EXHIBITS BY HIS/HER OVERT BEHAVIOR, OR BY HIS/HER EXTREME PHYSICAL DEBILITATION, AN INABILITY TO CARE FOR HIS/HER OWN NEEDS OR RECOGNIZE THE OBVIOUS DANGER OF HIS/HER SITUATION OR MAKE A RATIONAL DECISION WITH RESPECT TO HIS/HER NEED FOR TREATMENT (Ill. Rev. Stat. 1985, ch. 91 1/2, par. 502(g)).

Section 200.101 (continued)

"Individualized Treatment Plan" is a written plan which identifies the care and treatment to be provided to the client based upon a documented assessment of his/her individual problems and needs, as well as strengths and resources.

"INTOXICATED PERSON" MEANS A PERSON WHOSE MENTAL OR PHYSICAL FUNCTIONING IS SUBSTANTIALLY IMPAIRED AS A RESULT OF THE USE OF ALCOHOL (Ill. Rev. Stat. 1985, ch. 91 1/2, par. 501(i)).

"Medication" means any drug as defined in the Food, Drug and Cosmetics Act (Ill. Rev. Stat. 1985, ch. 56 1/2, par. 501 et seq.) This includes all legend (prescription drugs) and non-prescription (over-the-counter) drugs.

"Non-Hospital Medical Detoxification Program" is a type of treatment facility designed to provide immediate and short-term medical care for the intoxicated person who can safely be treated outside an acute general hospital setting. Such a facility is an alternative to in-hospital detoxification services and treats clients who would otherwise be hospitalized, and who require skilled nursing care.

"Non-Residential Alcoholism Rehabilitation Treatment Program" is a program that provides rehabilitation treatment services on a scheduled basis to clients who do not require the level of support provided by the more restrictive environment of residential programs.

"Patient" - See "Client."

"PERSON" MEANS THE STATE, ANY POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION, COMPANY, ASSOCIATION, PARTNERSHIP, FIRM, CORPORATION, JOINT STOCK ASSOCIATION, INDIVIDUAL OR OTHER ENTITY.

"Personnel Record" is the complete employment record of a staff member or employee, which normally includes such items as job applications, education and employment histories, performance evaluations, job descriptions, and evidence of licenses, certifications, and registrations.

"Qualified Alcoholism Treatment Counselor" is a person who has a minimum of 2000 hours of clinically supervised paid work experience in the field of alcoholism/substance abuse treatment. The work experience shall include at least 1500 documented hours of direct treatment service, and at least 40 clock hours of formal training specific to the field of alcoholism/substance abuse. A minimum of fifty percent of the required work experience and training shall be

Section 200.101 (continued)

in the field of alcoholism. The clinically supervised and documented direct client service hours shall include the following alcoholism/substance abuse client services and treatment activities: intake, assessment and evaluation; treatment planning; intervention; referral activity; client education; case management and consultation; clinical record keeping; and recovery support. The direct treatment shall include clinically supervised experience working with individuals, groups and families.

"Qualified Alcoholism Treatment Program Supervisor" is a person who has the qualifications of a Qualified Alcoholism Treatment Counselor as defined in this Part plus at least 4000 additional hours of paid work experience in the field of alcoholism/substance abuse. A minimum of fifty percent of the required work experience shall be in the field of alcoholism. In addition, the person shall have at least 10 clock hours of formal training in the philosophy and techniques of supervision. Any person functioning as an "Alcoholism Treatment Program Supervisor" prior to June 1, 1983, is exempt from the requirement of 4000 hours additional experience.

"Rehabilitation" is the process of restoring a client to the fullest physical, mental, social, vocational, and economic usefulness of which the client is capable.

"Remote Site" is a licensed location open to the public other than the main alcoholism treatment center where alcoholism clinical procedures of any kind are provided to clients. Records shall be maintained at each such site for clients served at that site.

"Research or Experimental Programs" refers to clients receiving treatment in programs using normally accepted treatment techniques (such as personal counseling, group therapy, self-help groups, recreational rehabilitation, vocational rehabilitation, and other treatment activities which are referred to in this Part), but using new or modified program structures that differ from the structure of licensed program categories.

"RESIDENTIAL ALCOHOLISM REHABILITATION CENTER" WHICH IS A FACILITY WHICH PROVIDES INTENSIVE REHABILITATION SERVICES, INCLUDING INDIVIDUAL AND GROUP COUNSELING, ON A SHORT-TERM RESIDENTIAL BASIS OR DAY CARE BASIS, USUALLY 4 TO 6 WEEKS. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 2303.3(b))

"Residential Program" is an alcoholism treatment program provided to clients residing in an alcoholism treatment center.

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Section 200.101 (continued)

"Restraint" is any apparatus or medication used to prevent or limit body movement.

"Significant Others" are friends and associates who do not have blood or legal relationship to the client but who provide physical, emotional, spiritual, or financial support to a client.

"Social Setting Detoxification Program" is a special type of public or private treatment program designed to provide a supportive, protective environment for the sobering up of the intoxicated person who is not in need of hospital care.

"Sufficient" see "Adequate."

"Support Staff" are personnel who work under the direction of administrative or counseling staff in an alcoholism treatment center and whose primary work activities normally include clerical, housekeeping, dietary, transportation, security, laboratory, record keeping, or other activities not normally performed by clinical staff.

"TREATMENT" MEANS THE BROAD RANGE OF EMERGENCY, OUTPATIENT, INTERMEDIATE, AND INPATIENT SERVICES AND CARE INCLUDING, BUT NOT LIMITED TO, DIAGNOSTIC EVALUATION, MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL, AND SOCIAL SERVICE CARE, VOCATIONAL REHABILITATION AND CAREER COUNSELING, WHICH MAY BE EXTENDED TO ALCOHOLICS AND INTOXICATED PERSONS (Ill. Rev. Stat. 1985, ch. 91 1/2, par. 502(k)) and significant others.

"Unit Record" - See "Clinical (Unit) Record."

Section 200.150 Incorporated Materials

- a) The following regulations, standards, and statutes are incorporated or referenced in this Part:

1) Private and professional association standards:

- A) American Dietetic Association, Plan IV: Minimum Academic Requirements for American Dietetic Association Membership, July 1, 1972, which may be obtained from the American Dietetic Association, 430 North Michigan Avenue, Chicago, Illinois 60611 [See Section 200.101];

- B) American Society of Heating, Refrigerating, and Air

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Section 200.150(a)(1)(B) (continued)

Conditioning Engineers (ASHRAE), Handbook of Fundamentals, 1975, which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning, United Engineering Center, 345 East 47th Street, New York, New York 10017 [See Section 200.906(b)(2)(A)]; and

- C) National Fire Protection Association (NFPA) Standard No. 101 Life Safety Code and Appendix B, 1981, which may be obtained from National Fire Protection Association, Battery Park, Quincy, Massachusetts 02269 [See Section 200.906(b)(2)(B)].

2) Federal statutes and regulations:

- A) Rules of the Federal Drug Enforcement Administration (21 CFR 201) [See Section 200.807(1)];
- B) Rules on confidentiality of alcoholism and drug abuse patient records (42 CFR 2) [See Section 200.207(a)];
- C) Rules of the Department of Health and Human Services on the protection of human subjects (45 CFR 46) [See Section 200.210(h)(1)];
- D) Comprehensive Drug Abuse, Prevention and Controls Act of 1970 (21 U.S.C. 812) [See Section 200.101]; and
- E) Civil Rights Act of 1964 [See Section 200.402(a)(7)].

3) State of Illinois Statutes:

- A) Alcoholism Treatment Licensing Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 2303 et seq.) [See Sections 200.101 and 200.201];
- B) Alcoholism and Intoxication Treatment Act (Ill. Rev. Stat. 1985, ch. 91 1/2, par. 501 et seq.) [See Section 200.207(a)];
- C) Food, Drug and Cosmetics Act (Ill. Rev. Stat. 1985, ch. 56 1/2, par. 501 et seq.) [See Sections 200.101 and 200.303(a)(9)];
- D) Hospital Licensing Act (Ill. Rev. Stat. 1985, ch. 111 1/2,

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Section 200.150(a)(3)(D) (continued)

- par. 142 et seq.) [See Section 200.101];
 - E) Nursing Home Care Reform Act of 1979 (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4151-101 et seq.) [See Section 200.101];
 - F) Ambulatory Surgical Treatment Center Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 157-8.1 et seq.) [See Section 200.101];
 - G) Illinois Controlled Substances Act (Ill. Rev. Stat. 1985, ch. 56 1/2, par. 1100 et seq.) [See Sections 200.101 and 200.303(a)(8)];
 - H) Illinois Cannabis Control Act (Ill. Rev. Stat. 1985, ch. 56 1/2, par. 701 et seq.) [See Section 200.101];
 - I) Emancipation of Mature Minors Act (Ill. Rev. Stat. 1985, ch. 40, par. 2201 et seq.) [See Sections 200.303(a)(7) and 200.803(b)(5)];
 - J) Poison Prevention Packaging Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 291 et seq.) [See Section 200.303(a)(10)];
 - K) Illinois Medical Practice Act (Ill. Rev. Stat. 1985, ch. 111, par. 4401 et seq.) [See Section 200.807(k)];
 - L) Pharmacy Practice Act (Ill. Rev. Stat. 1985, ch. 111, par. 4001 et seq.) [See Sections 200.303(a)(11) and 200.807(k)]; and
 - M) "An Act in relation to the performance of medical, dental, or surgical procedures on and counseling for minors: (Ill. Rev. Stat. 1985, ch. 111, par. 4501 et seq.) [See Section 200.303(a)(6)].
- 4) State of Illinois rules:
- A) Food Service Sanitation (77 Ill. Admin. Code 750), Department of Public Health [See Sections and 200.701(c) and 200.702];
 - B) Illinois Plumbing Code (77 Ill. Admin. Code 890), Department of Public Health [See Section 200.906(b)(1)(B)];
 - C) Private Sewage Disposal Code (77 Ill. Admin. Code 905),

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- Department of Public Health [See Section 200.906(b)(1)(C)];
 - D) Water Well Construction Code (77 Ill. Admin. Code 920), Department of Public Health [See Section 200.906(b)(1)(D)];
 - E) Water Well Pump Installation Code (77 Ill. Admin. Code 925), Department of Public Health [See Section 200.906(b)(1)(E)];
 - F) Accessibility Standards Illustrated (71 Ill. Admin. Code 400), Capital Development Board [See Section 200.906(b)(1)(A)]; and
 - G) Fire Prevention and Safety (41 Ill. Admin. Code 100), State Fire Marshal [See Sections 200.906(b)(1)(G) and 200.1001(a)(2)].
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
 - c) All citations to federal regulations in this Part concern the specified regulation in the 1986 Code of Federal Regulations, unless another date is specified.

SUBPART B: LICENSURE

Section 200.201 Facilities/Programs Subject to Licensure

No person shall open, conduct, operate, or maintain an alcoholism treatment facility, center, or program in this State unless a license therefor has been obtained from the Department or unless exempted from licensure by Section 3.3(e) of the Alcoholism Treatment Licensing Act. (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 2301 et seq.)

- a) The Department will determine if a specific facility or program is subject to licensure under the Alcoholism Treatment Licensing Act and this Part 200.
- b) The following are subject to licensure:
 - 1) any facility or program that holds itself out to be an "Alcoholism Treatment Program"; or

Section 200.201(b) (continued)

- 2) any formal or organized program whose primary purpose is to treat individuals for alcoholism or the abuse of alcohol, regardless of what the program is called.
- c) A separate license shall be required for each facility or program maintained in a single location or at a remote site even though operated by the same licensee.

Section 200.202 Licensure Procedures

- a) AN APPLICATION FOR A LICENSE TO OPEN, CONDUCT, OPERATE, AND MAINTAIN AN ALCOHOLISM TREATMENT FACILITY OR PROGRAM SHALL BE MADE TO THE DEPARTMENT UPON FORMS PROVIDED BY THE DEPARTMENT AT LEAST 60 DAYS PRIOR TO OPENING A NEW FACILITY, PROGRAM OR REMOTE SITE. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 2305)
- b) EACH APPLICATION SUBMITTED UNDER THE PROVISIONS OF THIS ACT SHALL BE SIGNED BY THE APPLICANT AND SHALL BE VERIFIED. APPLICATIONS ON BEHALF OF A CORPORATION OR ASSOCIATION SHALL BE MADE AND VERIFIED BY ANY 2 OFFICERS THEREOF ON FORMS PROVIDED BY THE DEPARTMENT. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 2305)
- c) Within four (4) weeks of receipt of the completed application the Department will conduct a formal licensure inspection. A completed application is one that is filled out in its entirety and contains all supporting documentation required by the Act and this Part.
- d) An inspection report, and a request for a plan of correction if deficiencies exist, shall be mailed to the facility within 10 working days following the inspection.
- e) The facility's plan of correction shall be returned to the Department within 10 working days of receipt of the inspection report and a request for the plan of correction.
- f) An annual or renewal license will be issued if all provisions of this Part are complied with, or if there is an acceptable plan of correction for any deficiencies.
- g) The Department may issue a provisional license if warranted by Section 7 of the Act.
- h) A license shall expire one (1) year after the date of issuance unless the licensee has applied for renewal of the license.

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- i) A completed application for renewal of the license shall be submitted to the Department no less than sixty (60) days prior to the date of expiration and prior to any changes in the ownership or change in location of a facility or program.
- j) LICENSES SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE LICENSED PREMISES. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 2306)

Section 200.203 License Not Transferable

EACH LICENSE SHALL BE ISSUED ONLY FOR THE PREMISES AND PERSONS NAMED IN THE APPLICATION AND SHALL NOT BE TRANSFERABLE OR ASSIGNABLE.

- a) A license shall become null, void, and of no further effect upon the occurrence of any of the following acts: change in ownership; discontinuation of operation; change in location; appointment of a receiver or trustee in bankruptcy; or death of licensee, dissolution of corporation, or expiration of license.
- b) A license issued to a corporation which is dissolved subsequent to licensure shall not be revived upon reinstatement of the corporation.
- c) The license and all copies shall remain the property of the Department of Public Health and shall be returned to the Department if there is a change in ownership, premises, or if the license is suspended, revoked, or modified.

Section 200.204 License Renewal Fees

Each applicant for renewal of a license shall remit non-refundable application fees payable to the Department prior to consideration of the application by the Department. The amount of such fees shall be according to the following schedule.

- a) The initial licensure application shall bear no fee.
- b) The annual application fee for renewal of the initial license for each residential and each outpatient program for an applicant shall be fifty dollars (\$50.00). The maximum fee for all programs in any one premise/location shall be one hundred dollars (\$100.00).

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Section 200.205 Facilities to be Open for Inspections

EVERY ALCOHOLISM TREATMENT FACILITY OR PROGRAM CONDUCTED BY A LICENSEE, AND ANY PREMISES PROPOSED TO BE CONDUCTED BY AN APPLICANT FOR A LICENSE, SHALL BE OPEN AT ALL REASONABLE TIMES TO INSPECTION BY THE DEPARTMENT. Reasonable hours shall be any time the facility is operational. The inspections may be announced or unannounced. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 2309)

- a) Inspections shall be made by properly identified employees of the Department, or by such other properly identified persons as the Department may designate in writing.
- b) The following shall be present at inspections:
 - 1) The alcoholism treatment facility administrator or his/her representative.
 - 2) Staff representatives as appropriate for each program area.
- c) Each program within a facility or remote site shall be considered a distinct part, a readily identifiable unit and shall be required to meet all rules applicable to that program.
- d) The name, location and hours of operation of the facility or program(s) shall be posted in the premise/location and be made available to the clients and the public upon request.

Section 200.206 Variances

Any facility unable to meet a specific rule may request in writing a variance of that rule, accompanied by documentation of equivalent means of meeting requirements, which shall not adversely affect the health and safety of its clients.

- a) The Director may approve such variance if he finds that the health and safety of the clients will be protected by the alternate means proposed. If the variance is approved, the Director may require compliance with the specific rule by a stated date, depending upon the circumstances and seriousness of the specific rule variance.
- b) Variances, if granted, shall be for one year maximum and shall be reapplied for with documentation that justification for granting them continues.

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Section 200.207 Information to be Available to the Department

- a) Each alcoholism treatment facility or program shall provide the Department, on request, any reports, records, data, statistics, schedules and information which the Department shall require for the administration of the Act and this Part as listed in subsection (b) of this Section. The confidentiality of the client records shall be maintained in accordance with State and federal regulations on confidentiality of records such as, but not limited to, the Alcoholism and Intoxication Treatment Act, Ill. Rev. Stat. 1985, ch. 91 1/2, par. 501-521, and the Federal Rules and Regulations on Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR 2).
- b) The following information shall be available for review to the Department at the time of the survey visit:
 - 1) Number of new admissions.
 - 2) Number of readmissions.
 - 3) Client characteristics, including age and sex.
 - 4) Sources of referrals.
 - 5) Length of stay.
 - 6) Disposition of clients.

Section 200.208 Incidents to be Reported to the Department

Each facility shall have a written policy and procedure regarding the reporting of incidents to the Department. At a minimum, this shall include the following:

- a) Each facility shall maintain a log, available for inspection by the Department, that details all medication errors and drug reactions and all incidents or accidents requiring the emergency services of a physician, a hospital, the police, the fire department, the coronor, or other emergency service provider.
- b) If the incident involves a life-threatening situation or death, the facility shall:
 - 1) Telephone an initial report to the Department within 24 hours of the occurrence (or on the first day the Department's offices are open if the report is due on a weekend or holiday).

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- 2) Submit a written report with any supporting documentation to the Department within ten (10) days. Coroner's reports shall be submitted as soon as available if later than ten (10) days.

Section 200.209 Information to be Reported to the Department

Each licensee shall report to the Department within ten (10) days, changes in:

- a) Ownership or control.
- b) Name and/or address.
- c) Program capacity.
- d) Categories of service offered.
- e) Staffing that affect client care.
- f) Existing licensed physical facilities prior to any conversions or alterations.
- g) Location of program components within the existing licensed physical facilities.
- h) Occupancy on the same premises.

Section 200.210 Research or Experimental Programs

Any facility or program desiring to conduct an experimental program or do research shall submit a written proposal to the Department 60 days prior to their anticipated starting date and secure written approval from the Director of the Department of Alcoholism and Substance Abuse and the Director of the Department of Public Health, before any such program may be started. Studies conducted for statistical purposes only are not considered to be research or experimental programs. The Directors will base their approval upon the criteria listed in subsections (a) through (h) of this Section.

- a) Any such program shall have written policies and procedures for all participants, whether staff or clients.
- b) There shall be written informed consent by each subject of such research and/or experimental program.

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- c) Full disclosure shall be made to subjects and shall include conventional and experimental procedure, risk and/or potential discomfort, purposes or potential benefits, and alternative procedures.
- d) A subject shall be permitted to withdraw consent and to discontinue participation at any time and for any reason.
- e) A subject shall not be made to waive any of his legal rights.
- f) Confidentiality shall be maintained regarding identity and clinical records of all participants.
- g) Control groups in treatment modalities shall be considered as participants in research and experimentation.
- h) For those programs which include as participants, individuals who may be placed "at risk," the facility shall establish an interdisciplinary research committee or human rights committee that is comprised of both program staff members and persons who are not staff members (an individual is "at risk" if he/she may be exposed to the possibility of physical, psycho/social or social injury).
- 1) The committee shall review experimental programs and research activities in accordance with a written review procedure to assure compliance with the policy for protection of human subjects of the Department of Health and Human Services (45 CFR 46).
- 2) All deliberations and decisions shall be documented.

SUBPART C: ADMINISTRATION

Section 200.301 Facilities Owned by Corporations, Governmental Units, Etc.

Each alcoholism treatment facility which is owned or operated by any corporation, whether organized for profit or not, association, unit of government, or any other form of business other than sole proprietorship and partnership shall have a Board of Directors in which is vested legal authority and responsibility for the organization, management, control, and operation of the facility and all programs administered by the facility. Facilities directly operated by governmental units shall designate the person or persons within the governmental unit responsible for fulfilling the duties of the Board of Directors. The Board of Directors shall:

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- a) Have written bylaws that shall be reviewed annually and revised as needed. The bylaws shall include, but not be limited to, a description of:
 - 1) The power and duties of the governing authority, its officers, committees, and the responsibility delegated to administrative staff.
 - 2) Eligibility criteria for governing body membership and selection method.
 - 3) Number of members necessary for a quorum.
 - 4) The duration of appointments or term of office for governing body members.
- b) Adopt, review at least annually, and revise as needed, written program philosophy, policies and procedures for the operation and administration of the facility and each program. This review shall include, but not be limited to:
 - 1) Fiscal management.
 - 2) Community participation and input procedures.
 - 3) Admissions.
 - 4) Treatment.
 - 5) Length of stay.
 - 6) Firm referral.
 - 7) Discharge.
 - 8) Transportation.
 - 9) Planning and evaluation.
 - 10) Personnel.
 - 11) Clients' rights.
 - 12) Alcohol and/or drug abuse by staff and/or clients.

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Section 200.301 (continued)

- c) Have all adopted written policies and procedures co-signed and dated by the president of the board of directors and the administrator of the facility.
- d) Meet at least annually to review the operations of the facility. Written minutes of the meetings shall be kept.

Section 200.302 Facilities Owned by Sole Proprietor or Partnership

Each alcoholism treatment facility which is owned or operated by a sole proprietor or partnership, hereinafter referred to as owner, shall appoint and maintain an advisory board, the members of which shall be persons residing in the geographic area in which the facility is located and having no direct or indirect interest in the facility.

Section 200.303 Administrator

The Sole Proprietor, Partnership or Board of Directors shall appoint an administrator whose qualifications and duties are defined in writing. The administrator shall have the following responsibilities:

- a) Insure that the facility is in compliance with this Part and knowledgeable of all applicable federal, state and local laws that include but are not limited to:
 - 1) Alcoholism and Intoxication Treatment Act (Ill. Rev. Stat. 1985, ch. 91 1/2, par. 501 et seq);
 - 2) Confidentiality of alcohol and drug abuse patient records as published in 42 CFR 2;
 - 3) State and local fire safety regulations;
 - 4) Local zoning regulations as applicable;
 - 5) State and local dietary and sanitary regulations;
 - 6) "An Act in relation to the performance of medical, dental or surgical procedures on and counseling for minors," approved August 17, 1961, as amended, (Ill. Rev. Stat. 1985, ch. 111, par. 4501 et seq.)

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Section 200.303(a) (continued)

- 7) Emancipation of Mature Minors Act (Ill. Rev. Stat. 1985, ch. 40, par. 2201 et seq.)
- 8) Illinois Controlled Substances Act (Ill. Rev. Stat. 1985, ch. 56 1/2, par. 1100 et seq.)
- 9) Food, Drug, and Cosmetic Act (Ill. Rev. Stat. 1985, ch. 56 1/2, par. 501 et seq.)
- 10) Poison Prevention Packaging Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 291 et seq.)
- 11) Pharmacy Practice Act (Ill. Rev. Stat. 1985, ch. 111, par. 4001 et seq.)
- b) Insure the completion, timely maintenance, and submission of all required reports and records to the Department in accordance with the Department's established time frames.
- c) Assist owner(s) or Board of Directors in formulating and annually reviewing the facility's program policies and procedures.
- d) Maintain a current organizational chart which identifies the lines of authority from clinical supervision to the client care level. Shift supervisors and staff members in positions of authority shall be identified.
- e) Have authority for the management of the business affairs and overall operation of the facility.
- f) Maintain personnel records, administrative records, and all policies and procedures of the facility.
- g) Provide for the orientation of new staff, regularly scheduled inservice education programs and opportunities for continuing education for the staff.
- h) Employ qualified personnel in accordance with the written job descriptions of the facility.
- i) Designate in writing the staff member by name or position to act in the absence of the administrator.

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SUBPART D: POLICIES AND PROCEDURES

Section 200.401 General

The facility shall have written policies and procedures governing all services provided by the facility which shall be formulated with the involvement of the administrator and representatives of the various services provided in the facility. The policies shall be available to the staff, clients and the public. These written policies shall be followed in operating the facility and shall be reviewed at least annually. These policies shall include:

- a) A written statement of the philosophy, objectives and goals the facility is striving to achieve.
- b) A written statement of the facility's goals for its residents.
- c) A written statement of the facility's concept of its relationship to the families of its clients or to significant others.
- d) A written statement concerning admission, transfer, and discharge of clients including categories of clients accepted and not accepted, clients that will be transferred or discharged, transfers within the facility from one program to another, etc.
- e) A written statement for client care services including administrative services, physician services, emergency services, personal care and nursing services, rehabilitation services, psychological services, social services, organized recreational activity services, work activity and/or prevocational services, dietary services, client records, pharmaceutical services, diagnostic services (including laboratory and x-ray) and educational services.

Section 200.402 Personnel Policies

The facility shall have written personnel policies approved by the owner(s) or Board of Directors.

- a) Personnel policies applicable and available to all full and part-time employees shall include but not be limited to the following:
 - 1) Requirements for an initial health examination which includes certification by a physician that each staff member is free of communicable or infectious diseases.
 - 2) On the job accident/injury emergency policy.

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- 3) Orientation to the facility and continuing education.
- 4) Job descriptions for all positions utilized by the facility.
- 5) Written documentation verifying that each job description is reviewed and updated for continuing appropriateness.
- 6) Written documentation verifying that all personnel meet all local, state or federal legal requirements of their positions; e.g., licensing, registration and/or certification.
- 7) Compliance with all applicable requirements of the Civil Rights Act of 1964, as amended.
- 8) Policies indicating that an individual's personal experience with the problems related to alcohol and/or drug use and abuse is not to be the sole factor in the employment decision.

9) Provision for confidentiality of personnel records.

- b) Personnel records for all employees shall include: the name, address, and telephone number of the employee; social security number; date of birth; name, address, and phone number of next of kin; resume and evidence of qualifications; documentation of current training and continuing education; professional certification, current licensure and/or registration if applicable; dates of college employment and separation from the facility. Copies of college transcripts, resumes, certificates from professional accrediting associations, proof of attendance at seminars, or other documents can be used to document training and continuing education.

- c) All personnel policies shall be reviewed and approved annually by the owner(s) or Board of Directors.

- d) The program shall have written policies and procedures for handling cases of neglect and abuse of its clients by staff.

- e) The facility shall have written policies and procedures for handling cases of alcohol and drug use and abuse by staff whether paid or volunteer staff.

- f) There shall be documentation verifying that the written personnel policies and practices are given to each employee and are available to others upon request.

Section 200.402 (continued)

- g) All personnel records shall be available for review by authorized Department inspection survey staff.

Section 200.403 Volunteer Services

Every facility shall have written policies and procedures regarding the use of volunteers. In facilities where volunteer services are utilized, the philosophy, objectives and scope of the volunteer service shall be clearly stated in writing.

- a) A formal statement of objectives of the volunteer program shall be approved in writing by the owner(s) or Board of Directors of the program.

- b) A Qualified Alcoholism Treatment Program Supervisor shall be assigned the responsibility of coordinating the volunteer program.

- c) The duties of the volunteer coordinator and his or her relationship to staff, volunteers and the community shall be identified and shall include, but not be limited to the following:

- 1) Assist staff in determining the need for volunteer services and in developing assignments.

- 2) Identify the criteria and procedures used in selecting volunteers.

- 3) Plan and implement the program for recruiting volunteers.

- 4) Coordinate efforts to recruit, select and train volunteers in appropriate services or units.

- 5) Instruct staff on the proper, effective, and creative use of volunteers.

- 6) Keep staff and the community informed about volunteer services and activities.

- 7) Provide an annual evaluation of the total volunteer program to the administration.

- d) A written orientation and training program shall be conducted to familiarize volunteers with the organization's goals and services and provide appropriate clinical orientation regarding clients. The

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Section 200.403(d) (continued)

orientation shall include at least the following.

- 1) Orientation to alcoholism and alcohol abuse.
- 2) Orientation to the treatment philosophy of the facility and its program(s).
- 3) Importance of maintaining confidentiality and protecting clients' rights.
- 4) The program channels of communication and the distinctions between administrative and clinical authority and responsibility.
- 5) Procedures for responding to client or facility emergency situations.
- 6) Procedures for reporting observations to clinical staff responsible for the client.

Volunteers shall be under the direct supervision of the paid staff of the service or unit utilizing their services. Each volunteer shall be qualified in accordance with Section 200.403 for duties to which he or she is assigned. Training appropriate to duties shall be provided and documented.

Volunteer personnel records must be maintained for the purpose of evaluating the effectiveness of the volunteer services. At minimum, the following records shall be maintained.

- 1) Volunteer application form.
- 2) Health questionnaire.
- 3) Evidence of completion of orientation training course.
- 4) Record of assignments and work hours.
- 5) Current individual job description.

These policies shall define specific procedures for dealing with alcohol or other substance abuse and/or relapse among volunteers.

Volunteers shall have access to program services, including referral services, in the same manner and degree as any individual requesting service from the program.

Section 200.403 (continued)

- 1) Volunteer staff shall not provide more than 50% of the staff time required to provide treatment services.

Section 200.404 Emergency and Disaster Procedures

The facility shall adopt and function in conformity with written procedures regarding fire, explosion, tornado, flood and other types of disaster or emergency. Such written procedures shall, at a minimum, require that:

- a) All staff shall be instructed in the use of fire extinguishers, and such instruction shall be documented in employee personnel records.
- b) All staff and clients shall be familiarized with the written evacuation plan instructions and diagrams for routes of exit.
- 1) Copies of the written plan and diagrams shall be posted in such areas as to be visible to all persons in the facility.
- 2) Evacuation shall be rehearsed a minimum of once per calendar quarter on each shift, and such rehearsals shall be documented.
- c) All staff shall be assigned to specific duties to perform in the event of disaster or emergency.

The facility shall execute a written agreement for provision of temporary physical facilities in the event the facility becomes uninhabitable due to disaster or emergency. Such temporary facilities shall include housing for clients and appropriate food service areas if applicable.

- e) All fire warning and safety systems shall be inspected at least annually by the local fire department or a fire equipment service company. Facility staff shall inspect equipment at least quarterly to determine if it is in working condition. Written, dated and authenticated records of all inspections and maintenance performed shall be maintained.

- f) The facility shall have written regulations on smoking. The regulations shall be clearly posted and made known to all personnel, clients and the public.

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Section 200.406 (continued)

- h) Bathtubs, shower stalls, and lavatories shall not be used for laundering, janitorial, or storage purposes.
- i) All cleaning compounds, insecticides, and all other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms.
- j) Every facility shall have an adequate supply of clean linen (at a minimum two sets of sheets, draw sheets, pillow cases, etc., for each bed). If an in-house laundry service is provided for the facility and/or clients, the laundry area shall be maintained and operated in a clean, safe and sanitary manner. Written operating procedures shall be posted and implemented which provide for the handling, transport and storage of clean and soiled linens and/or personal clothing.

SUBPART E: CLIENT LEGAL AND HUMAN RIGHTS

Section 200.501 General

Each program shall have written policies and procedures that support, enhance and protect the human, civil, constitutional and statutory rights of all clients. The facility shall adopt and function in conformity with a written statement of rights for clients admitted to the program and procedures for securing client rights. These rights apply to all residential programs and to all non-residential programs. Client rights shall include but not be limited to:

- a) The right to participate in individualized treatment including:
 - 1) the right to request a second opinion from a qualified consultant at client's expense.
 - 2) the right to request an in-house review of the individualized treatment plan in accordance with facility procedures.
- b) The right to informed consent.
- c) The right to refuse treatment.
- d) The right to leave a treatment facility at any time unless formally committed to a detoxification facility under Section 13 of the Illinois Alcoholism and Intoxication Treatment Act (Ill. Rev. Stat. 1981, Ch. 91 1/2, par. 501 et. seq.)

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Section 200.405 Medical Emergencies

All staff shall be familiar with facility policies and procedures for handling medical emergencies, as developed by the facility's staff or consultant physician.

Section 200.406 Maintenance, Housekeeping and Laundry Procedures

Every facility shall have an effective written plan for maintenance, housekeeping and laundry services, including sufficient staff, appropriate equipment, and adequate supplies to meet the standards specified in this Section. Each facility shall:

- a) Maintain the building in good repair and free of cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor coverings, such as tile or linoleum; loose handrails or railing; loose or broken window panes, window screens and any other similar hazardous conditions.
- b) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition.
- c) Maintain all electrical cords and appliances in a safe and functioning condition. The facility shall have written policies and procedures on the use and testing of personal electrical equipment used by clients and staff.
- d) Maintain the buildings and grounds in a safe and sanitary condition free from refuse, litter, insect and rodent infestation. Eliminate sites of entry of rodents and insects with screens of not less than 16 mesh to the inch.
- e) Maintain the building in a clean and safe condition. This includes all rooms, corridors, attics, basements, and storage areas. Keep floors clean, nonslip, and free from tripping hazards including throw or scatter rugs.
- f) Attics, basements, stairways, and similar areas shall be kept free of accumulations of refuse, discarded furniture, old newspapers, boxes, discarded equipment, and other similar items.
- g) Control odors within the facility by cleaning procedures and by the proper use of ventilation systems. Excessive and frequent use of deodorants shall not be used to cover up persistent odors caused by unsanitary conditions or poor housekeeping practices.

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Section 200.501 (continued)

- e) The right not to be held or placed in restraints or locked rooms. No program shall allow the use of restraints or locked rooms except under personal medical supervision by a physician. Clients requiring restraints shall be transferred immediately to a facility that is capable of providing the necessary personnel and therapeutic environment, in the event such capabilities are not already present in the alcoholism treatment facility.
- f) The right to private communication with any person(s) by means of receiving visitors, placing telephone calls, and sending and receiving mail other than packages. The program may establish schedules and time limits for the above. Temporary restriction of communications may be therapeutically indicated and imposed by program staff. Justification for such restriction shall be documented in the client's file, and explained to the client and his/her family.
- g) The right to send and receive packages subject to screening of contents by facility staff. Alcohol, drugs of any kind, and items prohibited by facility policy contained in packages received shall be withheld from the client, and shall be placed in the custody of the program administrator for safe keeping until the client is discharged or transferred to another facility. Illegal drugs and/or illegal weapons shall be turned over to the proper authorities.
- h) The right to have items confiscated by facility policy returned upon discharge or transfer to another facility except illegal drugs and/or illegal weapons.
- i) The right to wear one's personal clothing unless unusable, or medically or therapeutically contraindicated as determined by agency policy and documented in the clinical record.
- j) The right to accessible and adequate storage area for clothing and personal effects.
- k) The right to display personal items in designated areas adjacent to their beds.
- l) The right to secure storage of valuable personal effects.
- m) The right to learn and practice personal hygiene with dignity.
- n) The right to work, subject to the following limitations:

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- 1) The client shall be allowed to work for the facility only under the following conditions:
 - A) the work is part of the individual treatment plan;
 - B) the work is performed voluntarily;
 - C) the client receives wages commensurate with the economic value of the work;
 - D) client initiated projects or work may be done without compensation with permission of program administration and counseling staff.
 - 2) A client may be required to perform personal housekeeping tasks without compensation provided these responsibilities are clearly defined to the client during program orientation.
 - 3) The facility should be aware of any local state or federal laws or regulations concerning work programs for clients.
 - a) The right to privacy. Staff shall knock on each client's bedroom door before entering.
- Section 200.502 Client Informed of Rights Upon Admission
- The client shall be informed of these rights in a language he/she understands and it shall be so documented.
- a) Upon admission or as soon as the client has the ability to comprehend, the facility shall give to each client a written statement of client rights and procedures for securing client rights and shall document that this has been done, and note client's level of understanding.
 - b) A duplicate copy of these rights and procedures shall be given to the client's family or legal guardian as appropriate.
 - c) A clear statement of client rights shall be posted in a prominent place in each program.

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Section 200.503 Use of Physical and Mental Abuse Prohibited

The facility shall adopt and function in conformity with written procedures which prohibit the use of threats, intimidation, assault, and battery toward or against clients by clinical staff, support staff, volunteers, and by clients under direction, authorization, or acquiescence of clinical staff, support staff, or volunteers.

Section 200.504 Disciplinary Procedures

Disciplinary procedures shall respect the client's personal dignity and individuality.

- a) Corporal punishment and disciplinary restrictions of diet, medical or sanitary facilities, clothing, bedding, mail, or visitors are prohibited as are reductions in the frequency of use of toilet, washbowls, and showers.
- b) No client is to be disciplined in a manner or to the extent that he is:
 - 1) Subjected to cruel, severe, unusual or unnecessary punishment inflicted in any manner upon the body.
 - 2) Subjected to verbal abuse or derogatory remarks about himself or his family.
 - 3) Deprived of visits with anyone he/she wishes to see during established visiting hours.
- c) Discipline shall be administered in such a way as to help the individual develop his own self-control and to assume responsibility for his own acts.
 - 1) Administration of disciplinary matters shall never be delegated to the client's peers.
 - 2) Administration of personal discipline shall be pertinent and relevant to the particular act or problem of the client involved, and shall be handled with discretion and without bias or prolonged delay on the part of the disciplinarian.
- d) All rules, policies, and procedures established by the facility for both clients and staff, shall set the limits of acceptable behavior and shall apply to both equally.

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SUBPART F: CLINICAL RECORDS

Section 200.601 General

The facility shall maintain an accurate, timely, and complete client record for each client admitted to the facility or to any program administered by the facility. It shall reflect services planned, those actually delivered, and by whom delivered.

a) The clinical record shall include:

- 1) client identification and emergency information,
- 2) medical history (including general health, specific use and abuses of alcohol and other substances),
- 3) family and social history,
- 4) educational and employment history,
- 5) physical examination report or physical evaluation,
- 6) provisional diagnosis and a clinical assessment based upon the client's problems, needs and strengths,
- 7) results of laboratory tests and X-ray examinations,
- 8) medical orders and progress notes of physicians,
- 9) observation notes and nursing notes,
- 10) progress notes by treatment staff describing client contacts, services provided, progress toward established goals and including assessments and any revisions of the treatment plan,
- 11) treatment plans and summary of any previous related treatment,
- 12) medication sheets,
- 13) written informed consent signed by the client,
- 14) documentation that the client has received a written copy of client rights and has been informed of the procedures for securing such rights,
- 15) diet orders (general or specific therapeutic).

Section 200.601(a) (continued)

- 16) discharge summary containing documentation of service history and the reason(s) for discharge,
- 17) aftercare plans, and
- 18) releases and notations of release of information pursuant to Section 200.602 (a) and (b).
- b) Each entry into the clinical record shall be in ink and shall be personally signed and dated by the person making such entry. Signature stamps shall not be used.
- c) Telephone orders from physicians shall be entered into the clinical record, signed, and dated by the authorized person receiving such orders at the time the order is received, and shall be countersigned by the physician within five days of taking the order.
- d) The discharge summary shall be completed within fifteen days of the client's discharge from the facility.
- e) Each client shall be identified by an individual identification number which shall be used on each document in the client's record.
- f) There shall be a client confidentiality index linking client name and record numbers.
- g) Clinical record forms and documents shall be fastened in each client's record file in a set physical arrangement. This shall be documented on a Table of Contents check-off sheet indicating the document's presence and completion in the record.
- h) There shall be documentation in the record of routine clinical record reviews by supervisory staff, peer reviews and staffings, and any other records review or audit. The date, name(s) of reviewer(s), purpose of review, and release of information (if required) shall be documented.

Section 200.602 Confidentiality of Records

Clinical records shall be stored in a secure manner and shall not be accessible to persons other than the administrative and treatment staff.

- a) The facility shall not release any clinical record in whole or in part except:

Section 200.602(a) (continued)

- 1) As directed in Rules and Regulations on Confidentiality of Alcohol and Drug Abuse Patient Records 42 CFR 2.54 (1981).
- 2) Pursuant to prior written release signed by the client, which contains:
 - A) name and address of recipient,
 - B) specific information to be released,
 - C) date of release,
 - D) reason for release,
 - E) expiration date of release of information.
- 3) To the client upon written request.
- b) Upon release of information from the clinical record, notation of such release shall be made in the clinical record by the facility staff member releasing the information and shall include:
 - 1) the written release signed by the client if such was executed.
 - 2) if no written release was executed by the client:
 - A) name and address of recipient,
 - B) specific information released,
 - C) date of release of information, and
 - D) reason for release.

Section 200.603 Closing Client Records

The facility shall have a written policy and procedure for closing client records upon the death, discharge or transfer of a client.

Section 200.604 Retention and Transfer of Client Records

- a) When a client is referred from one facility to another, written consent from the client shall be obtained in order to transfer the

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Section 200.604(a) (continued)

client's record and/or abstract of the client's record and for reporting back to the referring agency regarding treatment activities if such information is requested.

- b) After death or discharge of a client, the record shall be placed in an inactive file and retained for a minimum of five (5) years. It is suggested that the program administrator check with legal counsel regarding the advisability of retaining records for a longer period of time and the procedures to be followed in the event the facility ceases operation.

Section 200.605 Access to Records by the Department

- a) The Department may view client records in the course of licensure activity as provided for in Rules and Regulations on Confidentiality of Alcohol and Drug Abuse Patient Records 42 CFR 2.54 (1981).
- b) If facility policy requires a release of information for state regulatory agencies to view records, such release shall be obtained upon client admission, making all records available to the Department.

SUBPART G: DIETARY SERVICES

Section 200.701 General

Alcoholism treatment facilities that provide 24-hour care, or that have therapeutic goals related to the nutritional needs of clients, or who have clients who require dietary services shall adopt and function in conformity with written policies and procedures for the provision of dietary services.

- a) The written policies and procedures for the provision of dietary services shall describe the organization of the dietary services and the delivery of dietary services to meet the needs of the clients.
- b) If dietary services are provided by an outside company, a signed, dated contract between the facility and the company shall require the company to comply with the facility's written policies and procedures and the standards in this Section. Requirements of Subpart G not met by the outside company must be met by the Alcoholism Treatment Facility.
- c) In addition to the rules listed in Subpart G, the facility shall be in conformance with the Department's Food Service Sanitation

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Regulations (77 Ill. Adm. Code 750). In addition, the facility should be aware of any other applicable Federal, State or local regulations concerning dietary services.

Section 200.702 Dietary Staff

Each facility serving meals shall have a person suited by training and experience who is designated by the administrator to be responsible for the total food service operation of the facility. This person must have successfully completed the food service training course as required by the Department's Food Service Sanitation Regulations (77 Ill. Adm. Code 750).

a) This person shall be:

- 1) a dietetic service supervisor as defined in Section 200.101; or
- 2) a dietitian as defined in Section 200.101; or
- 3) a cook with at least one year of institutional experience; provided the cook can assume the additional responsibilities of management and the therapeutic program.

b) The person in charge of the dietary services may cook, or assist with the cooking, only if such duties will not interfere with his/her duties concerning the overall supervision and management of the dietary service.

c) If the person responsible for food service is not a dietitian, he/she shall have scheduled consultation from a dietitian as follows:

- 1) This consultation, given in the facility, shall allow the dietitian to devote enough time to consult with facility staff and oversee the completion of dietary functions, but shall not be less than eight (8) hours each quarter. The dietitian shall also maintain monthly contacts with the facility, either on site or by telephone, as needed to advise the facility on how to stay in compliance with Subpart G.
- 2) The Dietitian shall provide consultation and training. The amount and type of consultation and training needed shall be determined by the facility administrator in consultation with the Dietitian. Such consultation and training shall include all food service procedures such as menu planning and/or review, food purchasing, food storage, food preparation, food service,

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Section 200.702(c)(2) (continued)

management of modified diets including diets relevant to the treatment of persons suffering from acute and chronic alcoholism; food service sanitation, safety, and inservice education for facility staff and clients.

- 3) There shall be a written, signed and dated agreement defining the services the dietitian shall provide. The dietitian shall provide the facility with a written report on the status of dietary services in the facility and reports on inservice training at least quarterly.

- d) In addition to the person responsible for dietary services, there shall be a sufficient number of food service personnel employed, and on duty, to meet all the operational needs of the food service department and the nutritional and dietetic needs of the clients.

- 1) All dietary employees' time schedules and work assignments shall be current and posted in the kitchen. Schedule shall contain name, position classification and hours of duty.

- 2) Job duties and dietary policies and procedures shall be available in the dietary department for employees' knowledge and use.

- 3) If clients are assigned to the dietetic service for therapeutic or vocational purposes, the method of their assignment shall be in accordance with the policies and procedures of the facility. They shall meet requirements for Food Service Personnel as directed in the Department's Food Service Sanitation Rules (77 Ill. Adm. Code 750). The facility should be aware of any federal, state and local government laws and regulations concerning this subject. Clients shall not be utilized in lieu of employees to provide basic services.

Section 200.703 General Diet and Meal Pattern

The daily food allowance for each client shall be no less than the Illinois Department of Public Health minimum requirements. The daily minimum food allowance for each adult as required by the Illinois Department of Public Health is as follows:

- a) Milk and Milk Products: Two (2) or more eight (8) ounce glasses of Grade A whole or low fat (skim or 1% or 2%) pasteurized milk where milk is used for fluid consumption. Cheese and ice cream may be used

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Section 200.703(a) (continued)

to replace part of the milk. The amount of either needed to replace a given amount of milk is figured on the basis of calcium content. The equivalents are as follows:

- 1) One (1) inch cube of cheddar type cheese equals one-half (1/2) cup milk.
- 2) Two-thirds (2/3) cup cottage cheese equals one-half (1/2) cup milk.
- 3) One (1) cup ice cream equals one-half (1/2) cup milk.

Note: If cheese is used as a serving of milk, it may not be also counted as a serving of protein from the meat group.

- b) Meat Group: Two (2) or more servings of protein food of good quality. The following are examples of one (1) serving:

- 1) Three (3) ounces (excluding bone and fat) of any cooked meat such as whole or ground beef, veal, pork or lamb; poultry; organ meats such as liver, heart, kidney; prepared luncheon meats.
- 2) Three (3) ounces cooked fish or shellfish or one-half (1/2) cup canned fish.

- 3) Three (3) ounces of natural or processed cheese or three-fourths (3/4) cup cottage cheese.

- 4) Three (3) eggs minimum weight 21 ounces per dozen.

Note: If one (1) egg is served for breakfast, a protein food of good quality may be reduced from six (6) to five (5) ounces for the remaining meals. If two (2) eggs are served for breakfast, a minimum of two (2) ounces of protein food of good quality shall be served at each of the remaining meals.

- 5) One (1) cup cooked dried peas or six (6) tablespoons of peanut butter, not more than twice a week and provided eggs, milk or lean meat are served at the same meal.

- 6) Combinations of all above examples are acceptable provided the minimum standards of six (6) ounces of a protein food of good quality is served daily and provided the combinations do not conflict with eye appeal or palatability.

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Section 200.703 (continued)

- c) Fruit and Vegetable Group: Four (4) or more one-half (1/2) cup servings of vegetables and/or fruits. This shall include the following:
- 1) One (1) serving of a good source of Vitamin C (grapefruit, grapefruit juice, orange juice, cantaloupe, raw strawberries, broccoli, brussel sprouts, green peppers, sweet red peppers), or Two (2) servings, one (1) cup, of a fair source of Vitamin C (raw cabbage, collards, kale, kohlrabi, mustard greens, potatoes, spinach, tomatoes, tomato juice, turnip greens.)
 - 2) One (1) serving of a good source of Vitamin A at least three (3) times weekly (apricots, broccoli, cantaloupe, carrots, chard, collards, kale, persimmon, pumpkin, spinach, sweet potato, turnip greens and other dark green vegetables, winter squash).
 - 3) Other fruits or vegetables including potatoes.
 - 4) To insure variety, any vegetable or fruit repeated for the day shall not be counted as one of the four (4) servings required in this group.
 - d) Bread and Cereal Group: Four (4) or more servings of whole grains, enriched or restored. One (1) slice bread equals one (1) serving. One-half (1/2) cup cooked cereal or three-fourths (3/4) cup dry cereal equals one (1) serving.
 - e) Butter or Margarine: Two (2) tablespoons or more to be used as a spread at each meal and in cooking.
 - f) Other Foods: Serve other foods as necessary to round out meals, satisfy individual appetites, improve flavor, and meet the individual's nutritional and calorie needs. Snacks also may be used for this purpose. In addition, diet supplements and/or a vitamin regimen shall be provided as ordered by the attending physician.
 - g) Meal Pattern: Foods for the day shall be planned to provide a variety of foods, variety in texture and good color balance to give "eye appeal" to the meal. The three (3) meal pattern shown in 200.705 d, shall be used.

Section 200.704 Dietary Considerations for Persons Under 18 Years of Age
The daily food allowance for persons under 18 years of age on a general diet

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Section 200.704 (continued)

shall meet the basic food pattern as listed in Section 200.703 as modified by the dietitian and shall be written and posted in the kitchen for use by dietary personnel.

Section 200.705 Scheduling of Meals

In residential programs, normally three (3) meals a day, or their equivalent, must be provided. In non-residential programs where a meal is served as part of the therapeutic program, the meal shall meet the appropriate meal standards in the three meal program.

- a) Meals shall be served at regular, realistic times with no more than a fourteen (14) hour span between a substantial evening meal and the following breakfast.
- b) Unless medically contraindicated, between meal and/or bedtime snacks of nourishing quality shall be offered. Unless medically contraindicated, fruit juices and other nourishing beverages shall be provided, and available to, clients at all times during the treatment program.
- c) If a client refuses food served, reasonable and nutritionally appropriate substitutes, as determined by the dietitian, shall be offered. The Dietary Department shall be prepared to give extra food to individual clients if the diet permits. Repeated refusal of meals shall be noted in the client's record and shall be brought to the attention of the attending physician.
- d) Foods for the day shall be planned to provide a variety of foods, variety in texture and good color balance to give "eye appeal" to the meal. The following meal pattern shall be used:

Breakfast	Main Meal (Noon or Evening)	Lunch or Supper
Fruit or Juice	Soup or Juice (optional)	Soup or Juice (optional)
Cereal	Entree (quality protein)*	Entree (quality protein)*
Meat such as eggs, bacon, sausage, ham (optional but three to four times per week is preferable)	Potato or Potato Substitute	Potato or Potato Substitute
	Vegetable and/or Salad	Substitute (optional if served at main meal)

Section 200.705(d) (continued)

Breakfast	Main Meal (Noon or Evening)	Lunch or Supper
Bread (toast, biscuits, muffins, French Toast, pancakes, waffles for variety suggested)	Dessert (preferably fruit unless fruit is served as a salad or will be served at the other meal, lunch or supper)	Vegetable and/or Salad
Butter or Margarine	Bread	Dessert
Jelly, honey, syrup (optional)	Butter or Margarine	Bread
	Choice of Beverage	Butter or Margarine
		Milk
		Choice of additional beverage

Milk

Choice of additional beverage such as coffee, tea, decaffeinated

* See 200.703(b) for examples of quality protein.

Section 200.706 Menu Planning

There shall be written menus for general and modified diets.

- a) General and modified diet menus, including menus for "sack" lunches and between meals and/or bedtime snacks shall be planned at least one (1) week in advance and shall be different for same day of consecutive weeks. Food sufficient to meet the nutritional and therapeutic diet needs of all clients shall be prepared for, and served at, each meal. Menus should be client-oriented taking into account the variations in client eating habits including cultural, religious and ethnic factors. When menu changes are necessary, substitutions shall be of equal nutritive value. Substitutions shall be recorded to show the meal as written and as actually served. Menus and substitutions shall be kept on file for at least 30 days.

- b) The menu for the current week shall be approved by the dietitian, dated and posted in the kitchen and also in an accessible location

Section 200.706(b) (continued)

for clients to see and read.

- c) All menus as actually served shall be kept on file for not less than thirty (30) days or until reviewed by the dietitian, whichever is longer.
- d) A minimum of one (1) week supply of staple foods and a minimum of a two (2) day supply of perishable foods shall be maintained on the premises. Food supplies shall be appropriate to meet the requirement of the menus. (This does not apply to facilities having all meals provided through an outside catering service.)
- e) Separate records of all food purchased or donated shall be kept on file in the facility for not less than one (1) year.
- f) A record for donated food shall include the name of item donated, source, date of delivery and quantity received.

Section 200.707 Food Preparation and Service

- a) Food shall be prepared according to standardized recipes and by appropriate methods to conserve their nutritive value, and to enhance their flavor and appearance.
- b) Foods shall be "attractively" served at the proper temperatures and in a form to meet individual needs.
- c) All clients shall be served in dining areas that are attractive, except for an individual who temporarily is too ill to eat, or for other valid reasons, cannot come to the dining room. In these instances, an overbed or other sturdy table shall be provided for client's tray.

Section 200.708 Diet Orders and Modified Diets

Each client record shall contain an order from a physician for either a general diet or a specific modified diet.

- a) A written diet order for each client shall be sent to the dietary department and for every subsequent change in the client's diet per physician's orders.
- b) The written diet order sent to dietary shall include adequate

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information to identify the client as follows: name of client, room, bed number and/or other means of client identification; type of diet; date diet order is sent to dietary; name of physician ordering the diet; signature of person transmitting written diet orders; and any other information pertinent to the nutritional care of the client.

- c) The kind and variations of prescribed modified diets shall be available in the kitchen.
- d) All modified diets shall be prepared and served to the client as medically prescribed.
- e) The food service director and/or consultant dietitian shall record in the client's record, observations and information pertinent to the nutritional and dietetic treatment of the client, such as, but not limited to, food intake, whether he/she is physically able to eat the food, food likes and dislikes, etc.
- f) The facility shall have available, and in use, two (2) or more copies of a current diet manual approved by the dietary consultant and medical staff. One copy shall be located in the dietary department for use by dietary personnel; other copies shall be located in areas available for use by physicians, nurses, or other responsible personnel.

SUBPART H: PROGRAM TREATMENT STANDARDS

Section 200.801 General

Alcoholism treatment facilities and programs shall comply with these standards. Each facility shall adopt and function in conformity with written policies and procedures. Such written policies and procedures shall include, at a minimum, the following: program description; admissions; referrals; transportation; house rules; medication control; clinical staff; program supervision; treatment services; treatment plans; educational, training and recreational opportunities; religious beliefs; primary counselor; length of stay; aftercare; discharge; utilization review; and special standards for various programs. Facilities need not assume financial responsibility for services not provided directly by themselves.

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Section 200.802 Program Description

A written description of each program shall be developed, which includes the following:

- a) A statement identifying the purpose of the program which shall include the program philosophy regarding the treatment of individuals experiencing alcohol abuse problems and alcoholism.
- b) The characteristics and distribution of the population within the program's service area.
- c) The methods used by the program to assess the service needs of the target population.
- d) A listing of other resources within the service area which provide the same or similar services as those provided by the program.

Section 200.803 Admissions

- a) Admissions shall be limited to persons for whom appropriate levels of care are available and provided. A preliminary assessment and a determination of the level of immediate care needed shall be made by clinical staff within two (2) hours of a person being brought to the facility.

- b) Admissions shall be denied, (or the individuals referred after admission) when the persons:

- 1) are diagnosed by a physician as having active infectious disease;
- 2) require continuous nursing care;
- 3) require restraints or locked confinement;
- 4) require care for mental illness or a developmental disability, unless the program can specifically meet the needs of such individuals and is appropriately licensed for such services; and
- 5) are under eighteen (18) years of age, except for outpatient programs, separate residential treatment programs for adolescents, adult residential rehabilitation programs where separate living quarters are available. (Outpatient programs may admit persons of all ages; separate residential treatment programs for adolescents may only admit persons aged 12 through 17; and, residential rehabilitation programs may only admit

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Section 200.803(b)(5) (continued)

adults and persons aged 16 and 17 who have been individually screened by clinical staff to determine their appropriateness and readiness to receive treatment in an adult-oriented setting where separate living quarters are available.) Individuals aged 16 and 17 who are considered adults under the Emancipation of Mature Minors Act (Ill. Rev. Stat. 1985, ch. 40, pars. 2201 et seq.), shall be treated in adult residential treatment programs. Adolescent persons determined intoxicated or incapacitated by alcohol, by clinical staff, shall be referred to a hospital or a non-hospital medical detoxification center for medical detoxification. This assessment and referral process shall be completed within twenty-four (24) hours.

c) When persons are denied admission for any reason a firm referral to other persons or facilities for care shall be initiated within 24 hours. When persons who are denied admission are pregnant, or state that they believe they may be pregnant, such persons shall be referred for appropriate treatment services pursuant to Section 200.811(c) of this Part. The reasons for denial and all referrals shall be documented.

d) Any restrictions by sex, age, or geographic areas must be clearly stated and shall apply to all applicants.

e) The program shall maintain a record of persons who formally applied to but were not admitted to the program, the reason for non-admission, and the disposition and referral of such persons.

f) Admission procedures shall be developed in consultation with a physician and any other appropriate professionals, such as, psychologists, nurses, social workers, clergy, and school guidance counselors.

g) The client's physical and medical needs shall be evaluated upon admission.

1) The program shall have written procedures and criteria for determining the need for a physical examination, and there shall be a sign-off that the procedure and criteria were developed in consultation with a physician.

2) It shall be documented in each client's record that the client has had such a medical determination made prior to treatment. A conclusion shall be documented and where a physical examination is needed, the client shall be assisted in obtaining it.

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Section 200.803(g) (continued)

3) If a client is pregnant, or states that she believes she may be pregnant, referral for appropriate treatment services shall be arranged pursuant to Section 200.811(c) of this Part and shall be documented in the client's record.

Section 200.804 Referrals

The facility shall have a written procedure to accomplish a firm referral of a client from one facility to another. Referral requires obtaining written consent from the client for transfer of appropriate portions of the case record based upon the judgement of the clinical staff, and for reporting back to the referring agency regarding treatment activities if such information is requested. Follow-up to insure that the referral was completed shall be documented in the files by the referring agency.

Section 200.805 Transportation

Each facility shall assist clients in arranging for suitable transportation to and from the facility whenever such transportation is needed as a part of the clients' treatment program.

Section 200.806 House Rules

Each facility shall develop, adopt, and function in conformity with house rules that will help maintain a therapeutic environment for clients.

Section 200.807 Medication Control

a) Medication policies and procedures shall be developed with consultation from one of the following:

1) a physician; or,

2) a medication advisory committee consisting of a physician, a registered professional nurse and a registered pharmacist.

b) Each facility shall adopt and function in conformity with written medication policies which shall include, but not be limited to, the following:

1) A client shall surrender, for safe-keeping, all prescription and

Section 200.807(b)(1) (continued)

non-prescription medications on admission to the program. After review by a physician and on his/her written orders, such medication may be made available to the client. A physician shall determine whether the client may self-medicate or needs the medication administered.

- 2) All medications shall be kept in a locked cabinet and made available for the individual client according to written orders of a physician. Each medication shall be clearly identified with the client's name and labelled as required in this Section.
 - A) Medications shall be made available to clients by a designated staff member who shall be responsible for the key to the medicine area and document the time and dosage taken for self-medication.
 - B) Medications for external use shall be kept in a separate location in the medicine area or in a separate locked area.
 - C) All poisonous substances and other hazardous compounds shall be labeled and kept in a separate locked area away from medications.
 - D) Biologicals or medications requiring refrigeration shall be labeled and kept in a separate, securely fastened, locked container in a refrigerator, or in a locked refrigerator.
 - E) In those cases where self-medication is not clinically appropriate as determined by a physician, medication shall be administered only by a physician, registered professional nurse or licensed practical nurse (who has successfully completed a course in medication administration or who has at least one year of full-time equivalent experience in administering medications in a health care setting) in accordance with their respective licensing requirements.
 - F) The attending physicians shall review the medication regimen of each client in accordance with the facility's medication policies and procedures. Documentation of this review shall be entered in the client's records.
- c) All controlled substances as defined by the Illinois Controlled Substances Act (Ill. Rev. Stat. 1985, ch. 56 1/2, par. 1102(g)), shall be kept within a separate locked compartment inside a locked

Section 200.807(c) (continued)

cabinet and made available according to written orders of the physician.

- d) There shall be assigned on each shift one staff member who will be responsible for overseeing self-medication distribution.
- e) There shall be documentation of the distribution of medication. Each dose administered or distributed shall be recorded in the clinical record by the authorized staff person who administered or distributed the dose.
- f) Each client receiving medication shall be under the supervision of a physician. Medication orders shall be written only by a physician for each client. Copies of such orders shall be kept in each client's record along with the medication distribution sheet. Standing orders shall not be accepted by the facility. Medication regimens shall be prescribed individually for each client.
- g) Medication to be released to the client at discharge shall be on physician's written order and shall be noted in the clinical record.
- h) All medications having an expiration date that has passed and all medication not released to the client at discharge shall be disposed of within 48 hours of discharge in accordance with the rules and regulations of the Federal Drug Enforcement Administration (21 CFR 1307.21) by a physician or a pharmacist. A notation of their disposition shall be made in the client's record.
- i) All medication shall be stored in specifically identified, and well illuminated cabinets, closets, refrigerators, or other location providing proper ventilation and temperature control, and fully protected from access by persons not authorized to administer or distribute medications.
- j) All legend medications maintained in the facility shall be on individual prescription or from the physician's personal office supply, and shall be properly labeled as set forth in subsection (k) of this Section. Only a physician or licensed nurse may transmit a verbal medication order to a pharmacy.
- k) The label of each individual container of prescription medication shall clearly indicate the client's full name, physician's name, prescription number, name and strength of drug, amount of drug, date of issue, expiration date of all time-dated drugs; accessory and/or cautionary statements as necessary; name, address, and telephone

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number of pharmacy issuing the drug; and the initials of the pharmacist filling the prescription as required by the Illinois Pharmacy Practice Act, Ill. Rev. Stat. 1985, ch. 111, par. 4031. If the individual container of prescription medication was filled by a physician from his own supply, the label shall clearly indicate all the preceding information except that pertaining to the identification of the pharmacy, pharmacist, and prescription number as required by the Illinois Medical Practice Act, Ill. Rev. Stat. 1985, ch. 111, par. 4408.

- 1) Medication in containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, or dispensing physician for relabeling or disposal. Medications in containers having no labels shall be destroyed in accordance with Federal Drug Enforcement Administration rules (21 CFR 201).
- m) The medications of each client shall be kept and stored in their originally received containers. Medications shall not be transferred between containers.
- n) A facility shall have an emergency medication kit. The contents of the kit shall be determined by and for the individual treatment program in consultation with a physician or jointly by a registered professional nurse and a registered pharmacist in consultation with a physician. Medications from the emergency kit shall only be administered upon physician's orders.

Section 200.808 Program Organization

- a) The facility shall maintain a current organizational chart and a written plan describing its organization which shall:
 - 1) define and describe the type and role of the alcoholism treatment services provided in each program within the facility.
 - 2) define the role and responsibilities of the individual in charge of alcoholism treatment services in the programs.
 - 3) include specifications of the lines of authority.
 - 4) define the roles and qualifications of all personnel utilized for each treatment service provided.

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- 5) include the staffing pattern required to provide these treatment services.
- 6) delineate the interrelationship of each program component and its personnel with other program components and treatment service providers in the facility.
- 7) delineate the interrelationship of the program components and its personnel with other program components and treatment service providers not located in the facility.
- b) When two or more programs in the same facility plan to share staff, documentation of a staffing pattern providing all the necessary coverage for each program shall be required.
- c) Copies of the written organizational plan shall be made available to all staff.
- d) There shall be at least an annual evaluation review and updating of the organizational plan documented and approved by the governing authority and executive director.

Section 200.809 Staffing

- a) Staff, either paid or volunteer, shall be on duty and present in sufficient numbers as required in 200.820 to provide clinical procedures and other services to clients at all times during which clients are present in the facility. Paid staff shall be on duty and supervise volunteer staff whenever volunteer staff is being utilized in a facility. Volunteer staff shall not consist of more than 50% of the staff time needed to provide basic services to clients during any calendar month. Staff may be shared between more than one program, as long as the needs of all programs are being met.
- b) Each facility shall have written procedures for obtaining staff coverage in those instances when a person scheduled to work a shift is unable to do so for whatever reason.
- c) When clients are not present in the facility, designated clinical staff shall be on call and immediately available to provide emergency clinical procedures to clients at all times.
- d) Outpatient programs shall make each client aware of procedures for obtaining emergency services during those times when the facility is

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Section 200.809(d) (continued)

not normally open for business.

- e) The facility shall have at least one (1) physician on staff or under written contract or agreement to provide services to clients, including but not limited to:

- 1) Coordination of medical care to assure adequacy and appropriateness of client care;
- 2) Development of policies and procedures for the management of medical emergencies;
- 3) Direct supervision of medical detoxification; and
- 4) Consultation with facility on utilization of services and effectiveness of treatment.

Section 200.810 Program Supervision

Each program shall be under the general supervision of an individual who meets the definition of a Qualified Alcoholism Treatment Program Supervisor as defined in Section 200.101.

Section 200.811 Treatment Services

- a) Medical treatment shall be provided either directly by the client's personal physician or the facility's physician, staff or consultant, or the facility shall provide assistance for the individual in obtaining a physician.

- 1) The facility shall have a written agreement with at least one (1) physician who agrees to provide clients with medical treatment when needed, or with a hospital for emergency room services by a staff physician or physicians group practice to provide emergency medical backup services to the facility.

- 2) The facility shall have a written agreement with at least one (1) physician who agrees to provide consultation and approval of medical protocols.

- b) Any client requiring hospitalization shall be transferred to a licensed hospital. With client's consent, a discharge summary shall be obtained from the hospital and submitted to the facility's medical

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Section 200.811(b) (continued)

consultant. The facility shall have written agreements with at least one (1) nearby hospital which agrees to accept clients as patients.

- c) Specialists' services shall be arranged for care, treatment, and consultation when ordered by a physician. Justification for each referral to such services shall be documented.

- 1) If a client is pregnant, or states that she believes she may be pregnant, referral to appropriate medical services for pregnancy testing and a physical shall be arranged.

- 2) If a client is pregnant, referral to appropriate pre-natal services shall be arranged.

- d) Clients shall be closely observed for signs of illness, and shall be referred for medical attention as appropriate. A client's complaint of pain or illness shall not be ignored even though physical disorder may not be apparent.

- e) Before discharge the client shall be made aware of the impact of alcohol and other drug abuse on emotional and physical health.

- f) The client shall be made aware of appropriate services to help in his/her recovery from alcohol abuse or alcoholism.

Section 200.812 Treatment Plans

- a) There shall be a written individualized treatment plan for each client specifying the treatment services to be provided and the frequency of the services. These services shall be clearly delineated and justified in the individualized treatment plan.

- b) The treatment plan shall contain a statement of short and long-term goals (in identified time frames) and objectives for attaining these goals within the time frame of the client's participation in the program.

- c) There shall be regular, periodic updating of the treatment plan based upon continued assessments of goal attainment and progress evaluations contained in the client record.

- d) With written consent of the client, the treatment plan shall provide for involvement of the client's family and significant others in treatment and in preparation for discharge and aftercare unless

Section 200.812(d) (continued)

therapeutically contraindicated.

- e) Planning shall be done with the involvement of the client, and the client shall be requested to sign-off, indicating that he/she was involved. The reason for refusal to sign shall be documented.
- f) A current treatment plan shall be transferred with the client. The treatment plan shall include discharge arrangements which set forth any referrals to support services within the community or in other appropriate locations.
- g) If the client's plan is to move to another level of service, or another treatment facility, this becomes the aftercare plan, and when a firm referral is completed, the obligation of the referring program has been completed.

Section 200.813 Educational, Training and Recreational Opportunities

All clients shall be referred to educational programs, vocational training, and recreational facilities as deemed appropriate by clinical staff. Such referrals shall be noted in the clinical record.

Section 200.814 Religious Beliefs

The client's religious beliefs and practices shall be accommodated where feasible.

Section 200.815 Primary Counselor

Each client shall be assigned a Qualified Alcoholism Treatment Counselor who is responsible for the development and implementation of the client's individualized treatment plan.

Section 200.816 Length of Stay

- a) The criteria for admission and maximum length of stay in an alcoholism treatment program shall be as established by program policy.
- b) Reason for a length of stay beyond the established maximum shall be documented in the client's record.

Section 200.817 Aftercare

The facility shall adopt and function in conformity with written policies and procedures for the development of aftercare plans for each client before discharge. The aftercare planning shall include but not be limited to the following:

- a) Planning shall be done with the involvement of the client, and the client shall be requested to sign-off, indicating that he/she was involved. The reason for refusal to sign shall be documented.
- b) If the client refuses aftercare services, this refusal shall be documented in the client's record.

Section 200.818 Discharge

- a) Each facility shall adopt and function in conformity with written policies and procedures for voluntary discharge, involuntary discharge, and unauthorized withdrawal.
- b) The facility shall notify parents, guardians, courts, and other persons who have legal interest in or jurisdiction over the client prior to voluntary or involuntary discharge, and within twenty-four (24) hours of unauthorized withdrawal. A release of information shall be obtained upon admission of the client.
- c) Clients leaving a treatment facility shall be assisted in making provision for transportation to another facility or to their home.

Section 200.819 Utilization Review

Each program shall adopt, and function in conformity with, written policies and procedures regarding Utilization Review, which have been approved by the owner(s) and/or Board of Directors. The facility shall establish a utilization review committee consisting of administrative and professional staff.

- a) The utilization committee shall develop criteria to evaluate the necessity and appropriateness of client services.
- b) The utilization review committee shall meet on a regular scheduled basis, which shall be no less often than monthly, to review client treatment services.

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Section 200.820 Additional Program Treatment Standards for Non-Hospital Medical Detoxification Programs

- a) In addition to the requirements listed previously in this Subpart, the following special standards shall also apply to Non-Hospital Medical Detoxification Programs.
- b) Non-Hospital Medical Detoxification Programs shall adopt and function in conformity with written policies and procedures which shall include the following:
 - 1) Each client shall have a physical examination by a physician within twelve (12) hours prior to admission or within twenty-four (24) hours following admission.
 - 2) There shall be at least two clinical staff members on duty and awake at all times. One of these persons must be a registered professional nurse and there must also be a Qualified Alcoholism Treatment Counselor on duty at all times. Additional staff shall be provided as required to meet the needs of the clients.

Section 200.821 Additional Program Treatment Standards for Social Setting Detoxification Programs

- a) In addition to the requirements listed previously in this Subpart, the following special standards shall also apply to Social Setting Detoxification Programs:
- b) Social Setting Detoxification Programs shall adopt and function in conformity with written policies and procedures which shall include the following:
 - 1) Each client shall be offered a referral to a physician for a physical examination.
 - 2) There shall be at least two clinical staff members on duty and awake at all times, one of which must be a Qualified Alcoholism Treatment Counselor. Additional staff shall be provided as required to meet the needs of the clients.

Section 200.822 Additional Program Treatment Standards for Residential Rehabilitation Treatment Programs

- a) In addition to the requirements listed previously in this Subpart, the following special standards shall also apply to Residential

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Section 200.822(a) (continued)

Rehabilitation Treatment Programs.

- b) Residential Rehabilitation Treatment Programs shall adopt and function in conformity with written policies and procedures which shall include the following:
 - 1) Admission shall be denied to persons in need of detoxification.
 - 2) Each client shall be provided at least thirty (30) hours of documented rehabilitation treatment services per week on a seven-day (7-day) week schedule. These services shall consist of activities specifically planned to reach individualized treatment plan goals based on client needs. The Department will base its review of compliance with this requirement on the facility's assessment of client needs and on the relationship between these identified needs and the proposed treatment activities.
 - 3) At least ten (10) of the thirty (30) hours of documented rehabilitation treatment services provided per week to each client shall be counseling services provided by a Qualified Alcoholism Treatment Counselor. There shall be at least one (1) Qualified Alcoholism Treatment Counselor present and on duty at all times during established treatment hours. Clinical staff shall be on duty, present and awake at all times.

Section 200.823 Additional Program Treatment Standards for Halfway House Programs

- a) In addition to the requirements listed previously in this Subpart, the following special standards shall also apply to Halfway House Programs.
- b) Halfway House Programs shall adopt and function in conformity with written policies and procedures which shall include the following:
 - 1) Admission shall be denied to persons in need of detoxification.
 - 2) Each client shall be provided at least fifteen (15) hours of documented treatment services per week on a seven-day (7-day) week schedule. These services shall consist of activities specifically planned to reach individualized treatment plan goals based on client needs. Services shall include a combination of alcoholism rehabilitation treatment, social work

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Section 200.823(b)(2) (continued)

counseling, recreational and social rehabilitation, vocational rehabilitation, educational rehabilitation, self-help groups, and any other service that can be documented by counseling staff in meeting the needs of a specific client. The Department will base its review of compliance with this requirement on the facility's assessment of client needs and on the relationship between these identified needs and the proposed treatment activities.

- 3) There shall be at least one Qualified Alcoholism Treatment Counselor on duty and present during established treatment hours. Clinical staff shall be present on a twenty-four hour basis. Clinical staff on duty during the night shift need not be awake but must be in the facility and available if a client has need of his or her services.

Section 200.824 Additional Program Treatment Standards for Residential Rehabilitation Treatment Programs for Adolescents

- a) In addition to the requirements listed previously in this Subpart, the following special standards shall also apply to Residential Rehabilitation Treatment Programs for Adolescents.
- b) Residential Rehabilitation Treatment Programs for Adolescents shall adopt and function in conformity with written policies and procedures which shall include the following:

- 1) All regulations governing adult residential rehabilitation treatment programs included in Section 200.822.
- 2) Admission shall be denied persons under twelve (12) years and over eighteen (18) years of age.
- 3) Within two (2) hours from having been brought to the facility, clients who appear to be inebriated or under the influence of alcohol shall receive a medical evaluation. When the physician determines that detoxification is necessary, it shall take place under medical supervision. Arrangements for treatment shall commence as soon as the medical evaluation has been completed.
- 4) A complete physical and laboratory examination for clients must be provided within 48 hours of admission. A physical and laboratory examination is not required when there is documented proof of a comparable examination given at a hospital or by a

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Section 200.824(b)(4) (continued)

physician licensed to practice medicine in all of its branches within 24 hours prior to admission.

- 5) Psychiatric and/or psychological services shall be offered to clients, either directly or on an indirect referral basis, when ordered by a physician.
- 6) Supervisors and counseling staff shall have specialized training and/or experience that demonstrates competency in the treatment and care of persons in this age group (ages 12 through 18) as well as alcohol related problems.
- 7) Separate sleeping, bathing, toilet, and recreational facilities shall be provided for persons 12 through 18 years of age if the facility also treats persons 19 years of age and older.
- 8) The program shall assist the client in meeting his or her educational needs by contacting parents and school authorities, arranging for tutoring, and any necessary related actions.
- 9) When a client leaves the treatment facility without authorization or against staff advice, the director of the facility or his designee shall notify the parents, guardian or legal custodian. Any necessary Release of Information shall be obtained upon admission of the client.

Section 200.825 Additional Program Treatment Standards for Non-Residential Rehabilitation Treatment Programs

- a) In addition to the requirements listed previously in this Subpart, the following special standards shall also apply to Non-Residential Rehabilitation Treatment Programs.
- b) Non-Residential Rehabilitation Treatment Programs shall adopt and function in conformity with written policies and procedures which shall include the following:
 - 1) Maximum length and frequency of client visits and type of services shall be established by the facility.
 - 2) Each client shall be provided at least twenty (20) hours of documented rehabilitation treatment services within a seven (7) day period. These services shall consist of activities specifically planned to reach individualized treatment plan

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Section 200.825(b)(2) (continued)

goals based on client needs.

- 3) At least seven (7) of the twenty (20) hours of documented rehabilitation treatment services provided per week to each client shall be counseling services provided by a Qualified Alcoholism Treatment Counselor. There shall be at least one (1) Qualified Alcoholism Treatment Counselor present and on duty at all times during each facility's established treatment hours.

Section 200.826 Additional Program Treatment Standards for Outpatient Alcoholism Treatment Facilities.

- a) In addition to the requirements listed previously in this Subpart, the following special standards shall also apply to Outpatient Alcoholism Treatment Facilities.
- b) Outpatient Alcoholism Treatment Facilities shall adopt and function in conformity with written policies and procedures which shall include the following:
 - 1) Maximum length and frequency of client visits and services shall be established by the facility,
 - 2) Clinical staff shall be on duty or available at all times during which the facility is open for business.
 - 3) A Qualified Alcoholism Treatment Counselor who is assigned to the program shall be identified.

SUBPART I: BASIC PHYSICAL PLANT REQUIREMENTS

Section 200.901 General

The following requirements describe the levels of construction involvement, the various applicable codes, and the submission requirements applicable to all facilities identified in this Part.

- a) Existing alcoholism treatment facilities which have been licensed prior to October 21, 1983 (the effective date of this Part) must meet all of the physical plant requirements listed herein no later than October 21, 1990. The Department will survey each facility pursuant to subparts I and J and the facility shall submit a time table for correction within three (3) months of receipt of the Department's

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Section 200.901(a) (continued)

report. The plan of correction shall provide for the completion of any necessary remodeling, repair, or other corrective action no later than two (2) years after the date of receipt of the Department's report. (See Section 200.206 for rules governing variances.)

- b) The Department will provide assistance to all existing deficient facilities to establish correction priorities, phasing schedules, and dates of completion based on the urgency and cost of correction. The facility must show progress in correcting the deficiencies at the end of each year of the five years, in accordance with the plan of correction.
- c) It is the facility's responsibility to inform the Department when each correction phase has been completed.

Section 200.902 Planning Requirements

- a) Whenever the development and licensure of a facility is desired, the Department will send to the applicant, along with the application, a planning evaluation form.
- b) Planning evaluation forms can be used as aids to the applicant in determining his selection of program, site, and structure.
- c) A planning evaluation form can be used as a feasibility check of any existing structures being considered by the applicant for conversion.

Section 200.903 Minor Alterations or Remodeling of Existing Licensed Facilities

Drawings and Specifications for minor alterations or remodeling changes of existing licensed facilities which do not affect the structural integrity of the building, which do not change functional operation, which do not affect fire safety, and which do not change beds for which the facility is licensed need not be submitted for approval.

Section 200.904 New Construction, Additions, Major Alterations or Conversions

- a) When construction is contemplated, either for new buildings or additions or major alterations of existing licensed facilities or conversions of structures designed or used for other purposes which

Section 200.904(a) (continued)

come within the scope of this Part, the following shall be done:

- 1) Design development drawings and outline specifications shall be submitted to the Department prior to starting final working drawings and specifications. Comments or approval shall be provided within thirty days of receipt by the Department.
- 2) Final working drawings and specifications shall be submitted to the Department for review and approval prior to beginning of construction. For final approval to remain valid, contracts must be signed within one year of approval date. Comments or approval shall be provided within 30 days of receipt by the Department.
- 3) Any construction change which affects the function, design, or purpose of a facility shall be submitted to the Department for approval prior to authorizing the modification. Comments or approval shall be provided within 30 days of receipt by the Department.
- 4) The Department shall be notified in writing when construction has been completed and/or before any area is occupied. A final inspection of the completed construction will be made by the Department, based upon compliance with Subparts I and J.
- b) All reviews and approvals are based upon compliance with all provisions of Subpart I, Basic Physical Plant Requirements and the applicable programs under Subpart J, Additional Physical Plant Requirements for Various Types of Alcoholism Treatment Facilities.

Section 200.905 Alterations of Water Supply, Plumbing and Drainage

No system of water supply, plumbing, sewage, garbage or refuse disposal shall be installed, nor any such existing system be materially altered or extended until such alteration or extension has been reviewed and approved by the Department, pursuant to Subparts I and J.

Section 200.906 Codes and Standards

- a) Nothing stated herein shall relieve the licensee or applicant from compliance with other applicable Federal, State or Local laws.
- b) Conformance with the following codes and standards is required:

Section 200.906(b) (continued)

- 1) State of Illinois codes and standards:

- A) Accessibility Standards Illustrated (71 Ill. Adm. Code 400), Capital Development Board;
 - B) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health;
 - C) Private Sewage Disposal Code (77 Ill. Adm. Code 905), Department of Public Health;
 - D) Water Well Construction Code (77 Ill. Adm. Code 920), Department of Public Health;
 - E) Water Well Pump Installation Code (77 Ill. Adm. Code 925), Department of Public Health;
 - F) Food Service Sanitation (77 Ill. Adm. Code 750), Department of Public Health; and
 - G) Fire Prevention and Safety (41 Ill. Adm. Code 100), State Fire Marshal.
- 2) Other codes and standards:
- A) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals, 1975; and
 - B) National Fire Prevention Association (NFPA) Standards No. 101 Life Safety Code and Appendix B, 1981.

Section 200.907 Preparation of Drawings and Specifications -- Submission Requirements

- a) Drawings and specifications shall be prepared by or under the immediate supervision of an architect registered in the State of Illinois.
- b) Drawings submission requirements shall be reduced by the Department if the planning information and survey findings are sufficiently detailed to comply with Subparts I and J.

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Section 200.908 Initial Submission -- Design Development Drawings and Outline Specifications

- a) Preliminary sketch plans shall indicate in detail the assignment of all spaces, size of areas and rooms, and outline the fixed and movable equipment and furniture.
- b) The Design Development Drawings shall include:
 - 1) a plan of each floor including the basement or ground floor,
 - 2) plot plan showing new roads, parking areas, sidewalks, etc.,
 - 3) sections through the building,
 - 4) all existing areas shall be clearly shown and the building type identified if the project is an addition, major alteration, or conversion. The drawings shall be made at a scale sufficiently large to clearly present the proposed design.
- c) Outline specifications shall provide a general description of the construction.
- d) A brief narrative of the proposed program shall be provided.

Section 200.909 Final Submission -- Working Drawings and Specifications

- a) All working drawings shall be complete for contract purposes. Clean and distinct prints shall be submitted which are accurately dimensioned and which include explanatory notes, schedules and legends. Separate drawings shall be prepared for each of the following branches of work: Architectural, Structural, Mechanical, Electrical. They shall include or contain the following:
 - 1) A site plan showing all existing and new topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be landscaped. All structures and improvements which are to be removed under the construction contract shall be shown.
 - 2) Plan of each floor and roof.
 - 3) Elevations of each facade.
 - 4) Sections through building.

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Section 200.909(a) (continued)

- 5) Elevators and dumbwaiters. Drawings delineating shaft details and dimensions, sizes of cab platforms and doors, travel distances including elevation height of landings, pit sizes, and machine rooms.
- 6) Kitchens, laundry, special care areas, and similar areas shall be detailed at a scale to show the location, type, size and connection of all fixed and movable equipment.
- 7) Details drawn to scale shall be provided as necessary to clearly define the project.
- 8) A schedule of finishes shall be provided.
- b) Structural Drawings (not required if structural work is not proposed for major alterations or conversions). Structural drawings with specifications shall include plans of foundations, floors, roofs and all intermediate levels. Such drawings shall show a complete design with sizes, sections, details, and the relative location of the various members. A schedule of beams, girders and columns shall be provided.
- c) Mechanical Drawings (not required if mechanical work is not proposed for major alterations or conversions). Mechanical drawings, with specifications, shall show the complete heating, cooling, ventilation, plumbing, drainage, stand pipe, and sprinkler systems, if proposed. Connections to existing systems and the capacity of existing systems shall be indicated for additions.
- d) Electrical Drawings (not required if electrical work is not proposed for major alterations or conversions). Electrical drawings shall show all electrical wiring, outlets, and equipment which require electrical connections. Connections to existing systems and the capacity of existing systems shall be indicated for additions.
- e) Specifications shall supplement the drawings and shall fully describe (except where fully indicated and described on the drawings) the materials, workmanship, and kind, sizes, capacities, finishes, and other characteristics of all materials, products, articles and devices.

Section 200.910 Site Location

Site location shall be easily accessible to the community and to service

Section 200.910 (continued)

vehicles, accessible by public transportation where possible, and not be located in a flood plain. (Facilities in existence on the effective date of these rules are exempt from the rule regarding flood plains.)

Section 200.911 Roads and Parking

Roads within the lot lines shall provide for access to all entrances. Walkways shall be provided for necessary pedestrian traffic.

Section 200.912 Administration and Public Areas

The following shall be provided:

- a) An entrance accessible to the physically handicapped;
- b) A lobby with a reception counter or desk and a waiting area;
- c) Access to public toilet facilities, telephones, and drinking fountains;
- d) Interview space for social services, admissions, and other agency functions;
- e) General or individual office space for business records;
- f) Multi-purpose room for general meetings, and educational purposes;
- g) Storage space for office equipment and supplies; and,
- h) Staff offices.

Section 200.913 Dietary Facilities

Each facility which serves meals or snacks shall meet the following requirements:

- a) Food service facilities shall be designed and equipped to meet the requirements of the services provided including provisions for food receiving, storage, preparation, dish and pot washing and waste disposal.
- b) Reasonable access to a handwashing sink, toilet, and janitors closet

Section 200.913(b) (continued)

shall be provided.

- c) An ABC type fire extinguisher shall be provided in each kitchen.

Section 200.914 Laundry Service

- a) If residents/clients are to do their own laundry, residential type laundry facilities shall be provided or reasonably accessible.
- b) If linen is to be processed on the site, space for soiled linen sorting, adequate laundry equipment including washer(s) and dryer(s), and clean linen storage space shall be provided, based upon the size of the facility and functional program.
- c) If linen is processed outside of the facility, a soiled linen holding room and a clean linen storage room or area shall be provided.

Section 200.915 General Storage

General storage room(s) shall be provided as needed.

Section 200.916 Staff Areas

At least one staff service area shall be provided in each facility.

- a) Service areas shall include a control station from which to serve clients' needs.
- b) A facility which dispenses or retains medication shall have a medication station or work area which contains a sink, work counter, storage area for supplies and equipment, a locked drug storage unit, and a refrigerator if facility policy allows for the admission of residents with special needs such as diabetics in need of insulin or for the storage of specimen samples for which refrigeration is required.

Section 200.917 Environmental Requirements

The following environmental requirements shall apply:

- a) Area(s) shall be provided for personal privacy and for smoking,

Section 200.917(a) (continued)

reading, meditating, "break-time", and other social activities of clients.

- b) Mirrors shall be provided for use by clients.
- c) Sufficient lighting shall be provided to see people's features clearly.
- d) Windows or skylights shall be provided in major areas used by clients.
- e) Client's sleeping areas, when provided, shall have natural light.
- f) Furniture, furnishings, equipment, and appliances shall be maintained in clean condition and in good repair.

Section 200.918 Ventilation and Heating Systems

Natural and/or Mechanical Ventilation and Heating shall be provided in accordance with the following:

- a) Outside air ventilation shall be provided to each habitable room by a ventilation system or by operable windows.
- b) Insect screens shall be provided for windows and outer doors which may be frequently left in an open position for purposes of ventilation.
- c) Exhaust fans with grease filters shall be provided in hoods over cooking ranges.
- d) Boiler and furnace rooms shall be provided with outside air vents to maintain combustion rates of equipment.
- e) Heating equipment shall be provided to maintain a minimum temperature of 68°F at winter design conditions.

Section 200.919 Water Supply Systems

Water systems shall meet the following requirements:

- a) Systems shall supply water at sufficient pressure to operate all fixtures and equipment during maximum demand periods.

Section 200.919 (continued)

- b) Plumbing fixtures shall be of nonabsorptive, acid-resistant material.
- c) In new construction and additions each water service main, branch main, riser, and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.
- d) Water storage tank(s) shall be made of corrosion-resistant metal or lined with non-corrosive material.
- e) The hot water heating equipment shall have sufficient capacity to supply water at 120°F at all times.
- f) Drainage piping shall not be installed within the ceiling or in exposed locations in food preparation areas, food serving areas, and food storage areas. Existing drainage pipes in these locations shall be protected by gutters.
- g) Building sewers shall discharge into a community sewage system. Where such a system is not available, a facility providing sewage treatment shall conform to the Department's Sewage Code (77 Ill. Adm. Code 910).
- h) Hot water or steam pipes located in areas accessible to clients shall have adequate protective insulation, as determined by the Department's mechanical engineer, based upon currently accepted construction practices.

Section 200.920 Electrical Systems

- a) Circuit breakers or fusible switches that provide disconnecting means and over-current protection for conductors connected to switchboards and panelboards shall be enclosed or guarded to provide a dead-front type of assembly. Overload protective devices shall be suitable for operating properly in widely varying temperature conditions.
- b) Panelboards serving lighting and appliance circuits are not required to be located on the same floor as the circuits they serve.

Section 200.921 Lighting

- a) All spaces occupied by people, machinery, or equipment within buildings, approaches to buildings, and parking lots shall have adequate lighting. Adequate lighting will be determined by the

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Section 200.921(a) (continued)

Department's electrical engineer, based upon currently accepted construction practices.

- b) Resident's rooms shall have general lighting. At least one (1) light fixture shall be switched at the entrance to each resident room.

Section 200.922 Fire Alarm and Detection System

- a) An approved automatic smoke detection system shall be installed on each floor level (NFPA-101, 1981). If a room system, the detectors shall be installed in all rooms except toilets and closets. If a corridor system, the detectors shall not be spaced further apart than thirty (30) feet on center, or more than fifteen (15) feet from any wall. The automatic smoke detection system shall be electrically interconnected to the fire alarm system. Buildings where only outpatient programs are provided are exempted from having a smoke detection system.

- b) A manually-operated, electrically-supervised fire alarm system shall be installed in accordance with Subpart J. Pre-signal systems are not permitted.

- c) The fire alarm system shall automatically transmit the alarm to any available municipal fire department by direct private line or through any approved central station (NFPA-101, 1981).

- d) Fire alarms shall be activated by all of the following when present: manual stations, detection systems, flow alarms in the sprinkler system.

Section 200.923 Emergency Electrical Requirements

The facility shall have an emergency electrical service which shall provide services as follows:

- a) Illumination for means of egress
b) Fire detection and alarm system

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Section 200.924 Employees' Facilities

Employees' facilities such as locker rooms, lounges and toilets shall be provided, as determined by the number of employees.

Section 200.925 Janitors' Closet

Janitors' closets shall be provided with a floor receptor or service sink and storage space for housekeeping equipment and supplies.

Section 200.926 Engineering Service and Equipment Areas

Equipment room(s) for boilers, mechanical equipment and electrical equipment, and storage room(s) for building maintenance supplies and yard equipment shall be provided.

Section 200.927 Waste Processing Services

Space and facilities shall be provided for the sanitary storage and disposal of waste.

Section 200.928 Details

All facilities shall comply with the following details (except as indicated):

- a) Items such as drinking fountains, telephone booths, vending machines, and portable equipment shall not reduce the corridor width below the required minimum, as specified in Subpart J.
- b) Doors to client rooms shall not be lockable from inside the room. (Halfway houses excluded)
- c) The minimum width of all doors to rooms accessible to clients, except toilet rooms, shall be 2'-8"; doors to toilets accessible to clients shall be at least 2'-4" in width.
- d) Doors on all openings between corridors and rooms or spaces subject to occupancy, except elevator doors, shall be of the swing type except for openings to showers, baths, client toilets and other small wet-type areas not subject to fire hazard.
- e) Grab bars shall be provided at patients' toilets, showers and tubs. The bars shall have 1 1/2 inch clearance to walls, shall be 1 1/2

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Section 200.928(e) (continued)

inch in diameter and shall have sufficient strength and anchorage to sustain a concentrated load of 250 pounds. Handrails and grab bars shall be constructed to prevent the snagging of clothing (applies to social setting and non-hospital medical detox programs).

- f) Paper towel dispensers and metal waste receptacles or electric hand dryers shall be provided at all public handwashing facilities.
- g) Recessed soap dishes shall be provided at showers and bathtubs (applies to non-hospital medical detox programs).
- h) Ceiling heights shall be not less than 8'0" for new construction and 7'-0" for existing construction; ceiling heights in corridors, storage rooms, toilet rooms and other minor rooms shall be not less than 7'-8" for new construction and 6'-8" for existing construction. Suspended tracks, rails, and pipes located in the path of normal traffic shall be not less than 6'-6" above the floor.

Section 200.929 Finishes

All facilities shall have the following finishes:

- a) Window curtains and draperies shall be noncombustible or rendered and maintained flame retardant and shall pass both the large and small scale tests of NFPA Standards 701, "Fire Tests for Flame-Resistant Textiles and Films," 1981.
- b) Flame spread and smoke developed rating of finishes shall be in accordance with NFPA 101, Life Safety Code, 1981.
- c) Floor materials shall be easily cleanable and be appropriate for the location involved. Floors in kitchens, toilets, baths, janitors' closets and similar areas shall be water-resistant.
- d) Wall bases in kitchens, showers and other areas which are frequently subject to wet cleaning methods shall be made integral and covered with the floor or be tightly sealed to the wall and constructed without surface voids.
- e) All wall finishes shall be cleanable and be appropriate for the location involved. Wall finishes in the immediate area of plumbing fixtures, shall be smooth and moisture resistant.
- f) Floor and wall penetrations by pipes, ducts, and conduits shall be

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Section 200.929(f) (continued)

tightly sealed. Joints of structural elements shall be tightly sealed.

- g) Ceilings shall be easily cleanable using conventional cleaning methods. Ceilings in dietary areas shall have a finished ceiling covering all overhead piping and duct work. Finished ceilings may be omitted in mechanical and equipment spaces, shops, general storage areas, and similar spaces, unless required for fire-resistive purposes.

Section 200.930 Thermal and Acoustical Insulation

- a) Insulation shall be provided for boilers and appurtenances, steam piping, hot water piping, hot water heaters, chilled water and refrigerant piping, air ducts and casings, and other equipment as necessary to maintain the efficiency of the system.
- b) Insulation, including finishes and adhesives on the exterior surfaces of ducts, pipes, and equipment in new construction, shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance with American Society for Testing and Materials (ASTM) Standard E 84.

Section 200.931 Client Bedrooms

Client bedrooms shall meet the following requirements:

- a) There shall be no more than four (4) beds per client bedroom, except that social setting detoxification facilities may admit persons to a room containing more than four (4) beds which is used as an area where such persons are observed and evaluated concerning their need for detoxification and/or other treatment. Persons placed in such a room shall remain there for no longer than twenty-four (24) hours, after which they are either discharged, transferred to another room facility which can better meet their needs, or moved to another room within the facility, which room does not contain more than four (4) beds.
- b) Client rooms shall have a minimum of eighty (80) square feet in single bedrooms and sixty (60) square feet per bed in multi-bed rooms. At least 3'-0" of clear space shall be provided at the foot or head and one side of each bed. Adjoining beds must be 3'-0" apart

Section 200.931(b) (continued)

from each other. Bunk beds are not allowed. Additional space must be provided for the use of desks, wardrobes, dressers, etc.

c) Each client bedroom shall be an outside room with not less than the equivalent of 10% of its floor area devoted to windows. Each client room shall have a door which opens directly onto a corridor or to the outside, as in a motel-like structure.

d) No room which opens into the kitchen or necessitates passing through the kitchen to reach any other part of the facility shall be used as a bedroom.

e) Rooms with a floor more than three (3) feet below the adjacent ground level shall not be used for resident bedrooms.

f) Each client shall have a wardrobe, locker, or closet available for his use. The wardrobe, locker, or closet shall have minimum inside dimensions of 1'10" by 1'8". Clothes rod and shelf shall be provided.

Section 200.932 Client Bathing and Toilet Facilities

Client Bathing and Toilet Facilities shall meet the following:

a) Each tub or shower shall be in an individual room or enclosure which provides space for the private use of the bathing fixture and for drying and dressing. At least one bathing and toilet facility shall be equipped to serve the handicapped.

b) A toilet room shall contain a water closet and a lavatory. The lavatory may be omitted from a toilet room which serves two adjacent bedrooms if each such adjacent bedroom contains a lavatory.

c) A toilet room shall be accessible to each central bathing area.

d) A minimum of one (1) water closet, one (1) lavatory and one (1) bathtub or shower for each sex shall be provided on each residential floor occupied by both sexes.

e) Bathroom fixtures shall be provided in the following numbers: One (1) lavatory, one (1) water closet and one (1) bathtub or shower for each eight (8) client beds on each floor which are not served by facilities adjacent to the client's sleeping room.

f) All toilet and bathing facilities shall be well lighted, and

Section 200.932(f) (continued)

ventilated to the outside atmosphere, either by means of a window that can be opened, or by an exhaust fan.

g) No toilet room, other than for employees, shall open directly into a kitchen, pantry or food preparation or food storage room.

Section 200.933 Client Living, Dining and Recreation Areas

Each facility shall provide adequate areas for living, dining and other types of activities.

a) Each area shall be well lighted and ventilated.

b) The total area set aside for these purposes shall be not less than 25 square feet per bed. Additional space shall be provided for outpatients if they participate in a day care program.

c) Each facility shall provide storage for recreational equipment and supplies.

Section 200.1001 Non-Hospital Medical Detoxification Facilities

The following rules shall apply to all non-hospital medical detoxification facilities in addition to those applicable requirements listed in other parts of these regulations.

a) Codes and Standards

1) The requirements for health care facilities contained in NFPA 101, 1981 Edition, Chapter 12-Rules 12-1.3(b) and (c) (for new and Chapter 13-Rules 13-1.3(b) and (c) (for existing) shall apply to Non-Hospital Medical Detoxification Facilities.

2) The requirements for health care occupancy contained within the Illinois Rules and Regulations for Fire Prevention and Safety for Building Type IV (A) shall apply to Non-Hospital Medical Detoxification Facilities.

b) Client Rooms shall meet the following:

Section 200.932(f) (continued)

ventilated to the outside atmosphere, either by means of a window that can be opened, or by an exhaust fan.

g) No toilet room, other than for employees, shall open directly into a kitchen, pantry or food preparation or food storage room.

Section 200.933 Client Living, Dining and Recreation Areas

Each facility shall provide adequate areas for living, dining and other types of activities.

a) Each area shall be well lighted and ventilated.

b) The total area set aside for these purposes shall be not less than 25 square feet per bed. Additional space shall be provided for outpatients if they participate in a day care program.

c) Each facility shall provide storage for recreational equipment and supplies.

Section 200.1001 Non-Hospital Medical Detoxification Facilities

The following rules shall apply to all non-hospital medical detoxification facilities in addition to those applicable requirements listed in other parts of these regulations.

a) Codes and Standards

1) The requirements for health care facilities contained in NFPA 101, 1981 Edition, Chapter 12-Rules 12-1.3(b) and (c) (for new and Chapter 13-Rules 13-1.3(b) and (c) (for existing) shall apply to Non-Hospital Medical Detoxification Facilities.

2) The requirements for health care occupancy contained within the Illinois Rules and Regulations for Fire Prevention and Safety for Building Type IV (A) shall apply to Non-Hospital Medical Detoxification Facilities.

b) Client Rooms shall meet the following:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED REPEALER

Section 200.1001(b) (continued)

- 1) A minimum of 100 square feet in single bedrooms and 80 square feet per bed in multi-bed bedrooms shall be provided.
- 2) Each client room shall have access to a toilet room without entering the corridor.
- 3) One toilet room shall serve not more than four beds and not more than two patient rooms.
- c) Service Areas
 - 1) Each facility shall provide a clean workroom that contains a work counter, handwashing, and storage facilities.
 - 2) Each facility shall provide a soiled workroom that contains a sink equipped for handwashing, work counter, waste receptacle, and linen receptacle.
 - 3) Each facility shall provide a room for physical examination and medical treatment of clients, with a handwashing sink, and a minimum area of 80 square feet, at least 1 dimension of which shall be 10'-0". This room may serve other compatible functions, such as consultation.

Section 200.1002 Social Setting Detoxification Facilities

The following rules shall apply to all social setting detoxification facilities in addition to those applicable requirements listed in other parts of these regulations.

- a) The requirements for Hotels as contained in NFPA 101, 1981 Edition, Chapter 16 (for new) and Chapter 17 (for existing) shall apply to Social Setting Detoxification Facilities.
- b) The requirements for Hotels and Rooming Houses as contained within the Illinois Rules and Regulations for Fire Prevention and Safety for Building Type I-C shall apply to Social Setting Detoxification Facilities.

Section 200.1003 Residential Rehabilitation Facilities

The following rules shall apply to all residential rehabilitation facilities in addition to those applicable requirements listed in other parts of these

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED REPEALER

Section 200.1003 (continued)
regulations.

- a) Codes and Standards
 - 1) The requirements for dormitory occupancies contained in NFPA 101, 1981 Edition, Chapter 16 (new) and Chapter 17 (for existing) shall apply to Residential Rehabilitation Facilities.
 - 2) The requirements for residential buildings contained within the Illinois Rules and Regulations for Fire Prevention and Safety for Building Type I-C shall apply to Residential Rehabilitation Facilities.
 - b) Special Considerations. Each facility shall provide or arrange for space for outdoor activities such as gardening, volleyball, horseshoes, basketball, etc.

Section 200.1004 Residential Alcoholism Treatment Programs for Adolescents
The following rules shall apply to all residential alcoholism treatment programs for adolescents in addition to those applicable requirements listed in other parts of these regulations.

- a) Codes and Standards
 - 1) The requirements for dormitories contained in NFPA 101, 1981 Edition, Chapter 16 (for new) and Chapter 17 (for existing) shall apply to Residential Alcoholism Treatment Program for Adolescents.
 - 2) The requirements for residential buildings contained within the Illinois Rules and Regulations for Fire Prevention and Safety for Building Type I-C shall apply to Residential Alcoholism Treatment Programs for Adolescents.
 - b) Special Considerations. Because of the age of clients in this category, the following elements shall be considered when planning an alcohol treatment program for adolescents:
 - 1) Adequate recreational facilities shall be provided for the use of adolescents. Such facilities shall include spaces for sport activities such as baseball, basketball, etc.; table games such as ping pong, chess, etc.; films, etc. Recreational facilities may be included within the building(s) or by a contract with a

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED REPEALER

Section 200.1004(b)(1) (continued)

nearby facility.

- 2) If the facility provides music room(s), adequate sound isolation shall be provided so that adolescents can play records or instruments without causing a disturbance. Headphones may be used for listening to recordings in rooms where sound isolation is not provided.
- 3) Provide classroom(s) which may vary in size and equipment depending upon client grade levels, the number of clients, and the duration of classes.

Section 200.1005 Halfway House Rehabilitation Facilities

The following rules shall apply to all halfway house rehabilitation facilities in addition to those applicable requirements listed in other parts of these regulations.

a) Codes and Standards

- 1) The requirements for dormitory occupancies contained in NFPA 101, 1981 Edition, Chapter 16 (for new) and Chapter 17 (for existing) shall apply to Halfway House Rehabilitation Facilities.
- 2) The requirements for residential buildings contained within the Rules and Regulations for Fire Prevention and Safety for Building Types I (C) shall apply to Halfway House Rehabilitation Facilities.

- b) Special Considerations. Provide or arrange for space for outdoor activities such as gardening, volleyball, horseshoes, basketball, etc.

Section 200.1006 Non-Residential Alcoholism Rehabilitation Treatment Programs

- a) Non Residential Alcoholism Rehabilitation Treatment programs shall meet the requirements for Outpatient programs as they are listed in Section 200.1007 below.
- b) In addition to the requirements for Outpatient programs, the facility shall provide room for group meetings and counseling sessions.
- c) Programs which serve meals to clients shall meet all applicable requirements of Subpart G: Dietary Services.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED REPEALER

Section 200.1007 Outpatient Programs

The following rules shall apply to all outpatient programs in addition to those applicable requirements listed in other parts of these regulations.

- a) Drawing Submission. Contract drawings need not be submitted for approval.
- b) Construction Standards
 - 1) The requirements for Business Occupancies contained in NFPA 101, 1981 Edition, Chapter 26 (for new) and Chapter 27 (for existing) shall apply to outpatient programs.
 - 2) Chapter 7 of the Illinois Rules and Regulations for Fire Prevention and Safety for Building Type II (C) shall apply to Outpatient Programs.

Section 200.1008 Additional Requirements

The Department may require additional health and life safety requirements for specific programs, based on the specific population being treated, such as adolescents, and physically or mentally handicapped clients.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED REPEALERDEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED REPEALER

Section 200.1001(b) (continued)

- 1) A minimum of 100 square feet in single bedrooms and 80 square feet per bed in multi-bed bedrooms shall be provided.
- 2) Each client room shall have access to a toilet room without entering the corridor.
- 3) One toilet room shall serve not more than four beds and not more than two patient rooms.

c) Service Areas

- 1) Each facility shall provide a clean workroom that contains a work counter, handwashing, and storage facilities.
- 2) Each facility shall provide a soiled workroom that contains a sink equipped for handwashing, work counter, waste receptacle, and linen receptacle.
- 3) Each facility shall provide a room for physical examination and medical treatment of clients, with a handwashing sink, and a minimum area of 80 square feet, at least 1 dimension of which shall be 10'-0". This room may serve other compatible functions, such as consultation.

Section 200.1002 Social Setting Detoxification Facilities

The following rules shall apply to all social setting detoxification facilities in addition to those applicable requirements listed in other parts of these regulations.

- a) The requirements for Hotels as contained in NFPA 101, 1981 Edition, Chapter 16 (for new) and Chapter 17 (for existing) shall apply to Social Setting Detoxification Facilities.
- b) The requirements for Hotels and Rooming Houses as contained within the Illinois Rules and Regulations for Fire Prevention and Safety for Building Type I-C shall apply to Social Setting Detoxification Facilities.

Section 200.1003 Residential Rehabilitation Facilities

The following rules shall apply to all residential rehabilitation facilities in addition to those applicable requirements listed in other parts of these

Section 200.1003 (continued)

regulations.

a) Codes and Standards

- 1) The requirements for dormitory occupancies contained in NFPA 101, 1981 Edition, Chapter 16 (new) and Chapter 17 (for existing) shall apply to Residential Rehabilitation Facilities.
- 2) The requirements for residential buildings contained within the Illinois Rules and Regulations for Fire Prevention and Safety for Building Type I-C shall apply to Residential Rehabilitation Facilities.

- b) Special Considerations. Each facility shall provide or arrange for space for outdoor activities such as gardening, volleyball, horseshoes, basketball, etc.

Section 200.1004 Residential Alcoholism Treatment Programs for Adolescents

The following rules shall apply to all residential alcoholism treatment programs for adolescents in addition to those applicable requirements listed in other parts of these regulations.

a) Codes and Standards

- 1) The requirements for dormitories contained in NFPA 101, 1981 Edition, Chapter 16 (for new) and Chapter 17 (for existing) shall apply to Residential Alcoholism Treatment Program for Adolescents.
- 2) The requirements for residential buildings contained within the Illinois Rules and Regulations for Fire Prevention and Safety for Building Type I-C shall apply to Residential Alcoholism Treatment Programs for Adolescents.
- b) Special Considerations. Because of the age of clients in this category, the following elements shall be considered when planning an alcohol treatment program for adolescents:
 - 1) Adequate recreational facilities shall be provided for the use of adolescents. Such facilities shall include spaces for sport activities such as baseball, basketball, etc.; table games such as ping pong, chess, etc.; films, etc. Recreational facilities may be included within the building(s) or by a contract with a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

Section 200.1004(b)(1) (continued)

nearby facility.

- 2) If the facility provides music room(s), adequate sound isolation shall be provided so that adolescents can play records or instruments without causing a disturbance. Headphones may be used for listening to recordings in rooms where sound isolation is not provided.
- 3) Provide classroom(s) which may vary in size and equipment depending upon client grade levels, the number of clients, and the duration of classes.

Section 200.1005 Halfway House Rehabilitation Facilities

The following rules shall apply to all halfway house rehabilitation facilities in addition to those applicable requirements listed in other parts of these regulations.

a) Codes and Standards

- 1) The requirements for dormitory occupancies contained in NFPA 101, 1981 Edition, Chapter 16 (for new) and Chapter 17 (for existing) shall apply to Halfway House Rehabilitation Facilities.
- 2) The requirements for residential buildings contained within the Rules and Regulations for Fire Prevention and Safety for Building Types I (C) shall apply to Halfway House Rehabilitation Facilities.
- b) Special Considerations. Provide or arrange for space for outdoor activities such as gardening, volleyball, horseshoes, basketball, etc.

Section 200.1006 Non-Residential Alcoholism Rehabilitation Treatment Programs

- a) Non Residential Alcoholism Rehabilitation Treatment programs shall meet the requirements for Outpatient programs as they are listed in Section 200.1007 below.
- b) In addition to the requirements for Outpatient programs, the facility shall provide room for group meetings and counseling sessions.
- c) Programs which serve meals to clients shall meet all applicable requirements of Subpart G: Dietary Services.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

Section 200.1007 Outpatient Programs

The following rules shall apply to all outpatient programs in addition to those applicable requirements listed in other parts of these regulations.

- a) Drawing Submission. Contract drawings need not be submitted for approval.
- b) Construction Standards
 - 1) The requirements for Business Occupancies contained in NFPA 101, 1981 Edition, Chapter 26 (for new) and Chapter 27 (for existing) shall apply to outpatient programs.
 - 2) Chapter 7 of the Illinois Rules and Regulations for Fire Prevention and Safety for Building Type II (C) shall apply to Outpatient Programs.

Section 200.1008 Additional Requirements

The Department may require additional health and life safety requirements for specific programs, based on the specific population being treated, such as adolescents, and physically or mentally handicapped clients.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3) Section Numbers: Proposed Action:
502.120 Amendment
502.600 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1985, ch.8,
pars. 9(b), 15
- 5) A Complete Description of the Subjects and Issues
Involved: This rulemaking establishes the procedures whereby a recently deceased owners horse(s) may be entered to race before transfer or property rights in the horse via devise or intestate succession is complete. This rulemaking allows licensure, as an authorized agent of the estate, of a party named in letters of administration as authorized to enter the horse(s).
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐
If "yes," please specify the date:
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending this Part? No.
- 10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures as a result of this rulemaking.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit written comments concerning this rulemaking. All comments must be submitted in writing and should be addressed to:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Michael B. McClure
Board Counsel
State of Illinois Center
Illinois Racing Board
Suite 11-100
Chicago, Illinois 60601
(312) 917-2600

The Illinois Racing Board will consider all written comment it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 14, 1988
- B) Types of small businesses affected: No small businesses are affected.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

502.840 Husbands and Wives
502.850 Transfer of a Horse

AUTHORITY: Implementing Section 15 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987 ch. 8, pars. 37-15 and 37-9(b)).

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 12 Ill. Reg. _____, effective _____.

NOTE: Capitalization Denotes Statutory Language.

SUBPART D: OWNERS

Section 502.120 Owners

- a) An applicant for an owner's license shall own, in whole or in part, or lease a horse eligible to race at the race meeting where the applicant seeks to participate. The horse must be under the care of a trainer licensed by the Board.
- b) If younger than 18 years of age, an applicant for an owner's license shall submit an affidavit from a parent or legal guardian stating that the parent or legal guardian shall assume legal responsibility for the applicant's financial, contractual, or other obligations relating to the applicant's participation in racing if the license is granted. A parent or legal guardian submitting such an affidavit shall also submit the information required in subsection (c) below.
- c) An applicant for an owner's license shall be capable of meeting the financial obligations incurred in the ownership, stabling, racing, training, and care of a race horse.

ILLINOIS RACING BOARD

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- d) Owners licenses are personal in nature and expire upon the death of the licensee, and thereafter are void and without effect as a pre-requisite for the entry of a horse. The only mechanism by which a deceased owner's horse(s) may be entered before the property rights in those horses have been fully and completely transferred through legacy, intestate succession or authorized sale, is as follows: upon presentation of letters of administration or letters testamentary issued by a court of competent jurisdiction, the person named in the letter shall be licensed as an authorized agent of the estate of the decedent and allowed to enter the horse(s) formerly owned by the decedent, subject to any limitations imposed by the court.

(Source: Amended at 12 Ill. Reg. _____, effective _____.)

Section 502.600 Authorized Agents

An applicant for an authorized agent's license shall submit with his license application a written agency appointment authorizing the applicant to act on behalf of a licensed owner or licensed trainer in racing matters not directly related to the care and training of horses. This authorization shall be on a form provided by the Board and shall define the powers, limits, and terms of the agency. The authorization shall be signed by the principal and said authorization shall be notarized. A separate, notarized agency appointment shall be required for each principal. All such agencies shall remain in effect for the duration of the licensing year unless the principal submits written and notarized notification of revocation of the agency appointment to the stewards at the meeting where the principal is racing. Authorized agents may also be licensed as specified in Section 502.120(d).

(Source: Amended at 12 Ill. Reg. _____, effective _____.)

ILLINOIS RACING BOARD

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Ownership, Partnership and Stable Name

2) Code Citation: 11 Ill. Adm. Code 1409

3) Section Numbers: Proposed Action:
1409.120 Amendment
1409.130 Amendment
1409.132 Repealed

4) Statutory Authority: Ill. Rev. Stat. 1985, ch.8,
pars. 37-9(b), 37-15

5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes licensure requirements for partnerships, corporations and their partners, officers, directors and shareholders who own thoroughbreds, and eliminates the 10 shareholders limit for corporations.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
If "yes," please specify the date:

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No.

9) Are there any other proposed amendments pending this Part? No.

10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures as a result of this rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit written comments concerning this rulemaking. All comments must be submitted in writing and should be addressed to:

Michael B. McClure

Board Counsel

State of Illinois Center

Illinois Racing Board

Suite 11-100

Chicago, Illinois 60601

(312) 917-2600

The Illinois Racing Board will consider all written comment it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 14, 1988

B) Types of small businesses affected: No small businesses are affected.

C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.

D) Types of professional skills necessary for compliance: Not applicable.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
 (THOROUGHBRED)

PART 1409
 OWNERSHIP, PARTNERSHIP, AND STABLE NAME

Section
 1409.05 Registration of Colors
 1409.10 Application for Colors
 1409.20 Deviations
 1409.30 Register Name of Real Owner
 1409.40 Owner-Trainer Registrations
 1409.50 Change in Ownership
 1409.60 False Registration
 1409.70 List of Changes
 1409.80 Stable Names
 1409.90 Registration of Stable Names
 1409.100 Trainers' Use of Stable Names
 1409.110 Affidavit of Ownership
 1409.120 Partnerships
 1409.130 Corporations
 1409.132 Number of Stockholders (Repealed)
 1409.135 File Reports With Board
 1409.138 Board May Waive Requirements
 1409.140 Change in Officers
 1409.150 Entries, Declarations and Winnings
 1409.160 Signature by Racing Secretary
 1409.170 Consent of Partners
 1409.180 Name All Owners
 1409.185 Corporation With Stable Name

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch.8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10973; amended at 12 Ill. Reg. _____, effective _____.

Section 1409.120 Partnerships

All partnerships not already registered and the name and address of every person having any interest in a horse, the

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

relative proportions of such interests and the terms of any sale with contingencies, lease or arrangement must be signed by all the parties or by their authorized agents and be lodged with the racing secretary, a copy of which shall be transmitted after the race meeting to the office of the Illinois Racing Board. All the partners and each of them shall be jointly and severally liable for all stakes and forfeits. All partners of a general partnership shall be licensed as owners. In the case of a limited partnership, all general partners and limited partners owning a 5% or more interest in the limited partnership shall be licensed as owners. These licensure requirements shall apply to all partnerships owning any interest in a horse. All non-licensed partners shall be eligible for licensure, and shall submit completed applications so that the Board may verify this status. If any non-licensed partner is ineligible for licensure then all partners and the partnership shall be ineligible for licensure.

(Source: Amended at 12 Ill. Reg. _____, effective _____.)

Section 1409.130 Corporations

All corporations having an interest in a horse shall file with the state steward at the time of filing application for an owner's license a statement in duplicate setting forth the names and addresses of all officers, directors, and stockholders of said corporation, together with the amount of the respective holdings of each stockholder and a statement as to whether or not said stock is paid in full, and including the designation of an authorized agent or agents of said corporation. The said statement shall be signed by the president of the corporation, attested to by its secretary, and the corporate seal attached. A copy of said statement shall be transmitted promptly to the office of the Illinois Racing Board by the state steward. All officers, directors and shareholders owning 5% or more of any class of stock of a corporation shall be licensed as owners. These licensure requirements shall apply to all corporations owning any interest in a horse. All non-licensed shareholders shall be eligible for licensure, and shall submit completed applications so that the Board may verify this status. If any non-licensed shareholder is ineligible for licensure then all shareholders and the corporation shall be ineligible for licensure.

(Source: Amended at 12 Ill. Reg. _____, effective _____.)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1409.132 Number of Stockholders (Repealed)

~~No license as an owner shall be granted to a corporation or the lessee or lessees of any corporation unless such corporation shall have no more than 10 stockholders or members each of whom shall be the registered and beneficial owner of stock or membership in such corporation. Further no corporation having more than 10 such stockholders shall have the power to lease for racing purposes to any natural person or persons or partnership any horse owned or controlled by it. Each stockholder must file an application for an owner's license.~~

(Source: Repealed at 12 Ill. Reg. _____, effective _____.)

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Racing, Farm, Corporate or Stable Name

2) Code Citation: 11 Ill. Adm. Code 1308

3) Section Numbers: Proposed Action:
1308.20 Amendment
1308.30 New Section
1308.40 New Section

4) Statutory Authority: Ill. Rev. Stat. 1985, ch.8, pars. 37-9(b), 37-15

5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes license requirements for partnerships, and their partners, and corporations and their officers, directors and shareholders who own standardbred horses.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
If "yes," please specify the date:

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No.

9) Are there any other proposed amendments pending this Part? No.

10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures as a result of this rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit written comments concerning this rulemaking. All comments must be submitted in writing and should be addressed to:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Michael B. McClure
Board Counsel
State of Illinois Center
Illinois Racing Board
Suite 11-100
Chicago, Illinois 60601
(312) 917-2600

The Illinois Racing Board will consider all written comment it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: October 14, 1988
- B) Types of small businesses affected: No small businesses are affected.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1308

RACING, FARM, CORPORATE OR STABLE NAME

Section	
1308.10	Racing, Farm, Corporate or Stable Name
1308.20	Stable Name and Partnership Limitations
1308.30	Partnership
1308.40	Corporations

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch.8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10930; amended at 12 Ill. Reg. _____, effective _____.

Section 1308.20 Stable Name ~~and Partnership Limitations~~

- a) Any horse that is owned by more than one person, or one partnership, must be stabled in one stable and registered only under its own stable name with appropriate fees paid.

- b) ~~No more than 10 persons may be partners in the ownership of one horse.~~

(Source: Amended at 12 Ill. Reg. _____, effective _____)
Section 1308.30 Partnerships

All partners of a general partnership shall be licensed as owners. In the case of a limited partnership all general partners and limited partners owning a 5% or more interest in the limited partnership shall be licensed as owners. This shall apply to all partnerships owning any interest in a horse. All non-licensed partners shall be eligible for licensure, and shall submit completed applications so that the Board may verify this status. If any non-licensed partner is ineligible for licensure then all partners and the partnership shall be ineligible for licensure.

(Source: Added at 12 Ill. Reg. _____, effective _____.)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1308.40 Corporations

All officers, directors and shareholders owning 5% or more of any class of a stock of a corporation shall be licensed as owners. This shall apply to all corporations owning any interest in a horse. All non-licensed shareholders shall be eligible for licensure, and shall submit completed applications so that the Board may verify this status. If any non-licensed shareholder is ineligible for licensure then all officers, directors, shareholders and the corporation shall be ineligible for licensure.

(Source: Added at 12 Ill. Reg. _____, effective _____.)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of Part: Notary Public Records
- 2) Code Citation: 14 Ill. Adm. Code 176
- 3) Section Number Proposed Action
176.11 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5.6 of "AN ACT to revise the law in relation to the Secretary of State" (Ill. Rev. Stat. 1987, ch. 124, par. 5.6)
- 5) A Complete Description of the Subjects and Issues Involved:
This amendatory rulemaking establishes fees for weekly computer tape updates of notary public records. It also allows computer tapes of notary publics sorted by particular county. The rulemaking allows law enforcement agencies engaged in an investigation to obtain information at no charge. Government agencies can purchase the notary public information for governmental purposes for certain fees. The rulemaking repositions in the rule certain terms of general applicability.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference?
No
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: Not applicable to this rulemaking.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Philip S. Howe
Counsel to the Secretary
Office of the Secretary of State
298 Centennial Building
Springfield, Illinois 62706
(217)785-3094

SECRETARY OF STATE
NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:
- A) Date rules was submitted to the Small Business Assistance Office of the Department of Commerce and Community Affairs:
- October 25, 1988
- B) Types of small businesses affected:
- Notary public bonding and supply companies
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None
- The full text of the proposed amendment is as follows:

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TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE
PART 176
NOTARY PUBLIC RECORDS

Section
176.10
176.11

Definitions
Record Contents, Request Procedures, and Fees

AUTHORITY: Implementing and authorized by Section 5.6 of "AN ACT to revise the law in relation to the Secretary of State" (Ill. Rev. Stat. 1987, ch. 124, par. 5.6).

SOURCE: Adopted at 11 Ill. Reg. 19705, effective December 1, 1987; amended at ____ Ill. Reg. ____, effective ____.

Section 176.11 Record Contents, Request Procedures, and Fees

- a) The Secretary maintains Illinois Notary Public appointment records on computer tapes. The computer tapes contain the notary's name, address, city, state, zip code, county, commission number and the date the commission took effect.
- b) All requests for a tape of this information shall be in writing, signed by the person requesting the information. The request shall include the person's address, the purpose of the request, the specific information requested, the name and address of any organization represented by the requestor, and the position of the requestor in the organization.
- c) All requests shall be accompanied by a blank nine-track magnetic tape (or two blank tapes if density of 1600 BPI is requested) and the appropriate fee and sent to the following address: Office of the Secretary of State, Index Department, 111 E. Monroe Street, Springfield, Illinois 62756.
- d) A person may request a A tape of all current notaries or all notaries in a particular county will be furnished for a fee of \$3,600. Weekly update computer tapes will be furnished for \$1,000 per year paid in advance. The fee for a tape of notaries commissioned during a specific calendar year is \$900 and the fee for a tape of notaries commissioned during a specific month of a specific year is \$75. The fees shall be paid by cashier's check, money order, certified check, or a check drawn on the account of the business making the request. When the information is transferred to

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NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Electronic Fund Transfers
- 2) Code Citation: 38 Ill. Adm. Code 310
- 3) Section Number: Adopted Action:
- | | |
|---------|-------------|
| 310.110 | Repeal |
| 310.210 | Amendment |
| 310.310 | Amendment |
| 310.320 | Amendment |
| 310.330 | New Section |
| 310.340 | New Section |
| 310.350 | New Section |
| 310.360 | New Section |
| 310.370 | New Section |
| 310.410 | Amendment |
| 310.420 | Repeal |
| 310.430 | Amendment |
| 310.440 | Repeal |
| 310.610 | Amendment |
| 310.620 | Amendment |
| 310.630 | Amendment |
| 310.640 | Repeal |
| 310.650 | New Section |
| 310.660 | New Section |
| 310.670 | New Section |
| 310.680 | New Section |
| 310.690 | New Section |
| 310.700 | New Section |
| 310.710 | Amendment |
| 310.810 | Amendment |
| 310.820 | New Section |
| 310.830 | New Section |
| 310.840 | New Section |
| 310.850 | New Section |
| 310.860 | New Section |
| 310.870 | New Section |
| 310.880 | New Section |
| 310.890 | New Section |
| 310.910 | New Section |

- 4) Statutory Authority: Implementing and authorized by Section 5-100 of the Electronic Fund Transfer Transmission Facility Act (Ill. Rev. Stat. 1987, ch. 17, par. 1324).

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the requestor's computer tape, then no refunds shall be made. State, federal, and local law enforcement agencies shall receive information at no charge if the agency supplies the required tape, if the information is needed for an official investigation. All other governmental purposes and weekly update tapes will be furnished for \$1,000 per year paid in advance. A computer tape of all notaries in one particular county will be furnished for a fee of \$200 and weekly update tapes will be furnished for \$500 per year paid in advance.

e) State, federal, and local law enforcement agencies shall receive information at no charge if the agency supplies the required tape, if the information is needed for an official investigation. All other governmental agencies, including county clerks, shall receive a tape of all current notaries for a fee of \$500 if requested for governmental purposes and weekly update tapes will be furnished for \$1,000 per year paid in advance. A computer tape of all notaries in one particular county will be furnished for a fee of \$200 and weekly update tapes will be furnished for \$500 per year paid in advance.

f) The fees shall be paid by cashier's check, money order, certified check, or a check drawn on the account of the business or government agency making the request. When the information is transferred to the requestor's computer tape, then no refunds shall be made.

g) Record layouts, field definitions, and a printout of the first ten records on the tape shall be supplied by the Secretary when the requestor's tape is returned with the information.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

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- 5) Effective Date of Amendment(s): October 20, 1988
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: October 7, 1988
- 9) Notice of Proposal Published in Illinois Register March 25, 1988, 12 Ill. Reg. 5489
- 10) Has JCAR issued a Statement of Objections to this Part: No.
- 11) Difference between proposal and final version: Section 310.320(c) was clarified to state when an extension of time to respond to a Statement of Claim shall be filed; Section 310.330(b) was changed to state when oral arguments will be heard on a preliminary motion; Sections 310.410(c) and 310.610(b) sets forth the time frame in which the Commissioner shall determine the completeness of a notice or application; Section 310.410(e) states when a notice shall be deemed to be complete; Sections 310.410(f), 310.610(d), 310.620(b), 310.710(e), 310.810(c) and 310.820(b) provide what factors the Commissioner should look at in assessing a fee; Section 310.610(c) sets forth the contents of an application to establish and operate a funds transfer corporation and transmission facility; Section 310.630 sets forth the contents of an annual report of a funds transfer corporation; Section 310.710(d) provides when a notice shall be deemed to be complete; Section 310.810(c) sets forth what information is required to be filed in an application to establish and operate a proprietary network and similar facility; and Section 310.830 sets forth what is required to be filed in an annual report of a proprietary network.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR:
Yes.
- 13) Will this amendment replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of amendment: This amendment: a) establishes procedures for the arbitration of disputes with respect to funds transfer corporations, proprietary networks, transmission facilities, similar facilities, automatic teller machines or point of sale terminals; b) set forth guidelines for the establishment of off-premise automatic teller machines; c) set forth guidelines for the establishment and regulation of funds transfer corporations, transmission facilities, point of sale terminals, proprietary networks and similar facilities; and d) establishes a procedure for the filing of interstate sharing agreements.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: William L. Conaghan or Mary E. Schroeder
Address: Commissioner of Banks and Trust Companies
310 South Michigan Avenue
Suite 2130
Chicago, Illinois 60604

The full text of the Adopted Amendment begins on the next page:

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TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIES

PART 310

ELECTRONIC FUND TRANSFERS

SUBPART A: SCOPE AND AUTHORITY (REPEALED)

Scope and Authority (Repealed)

SUBPART B: DEFINITIONS

Definitions

SUBPART C: ARBITRATION AND OF DISPUTES

Scope and Authority

Procedure Statement of Claim, Response and Reply

Motions

Appearances

Appointment of Hearing Officer

Service

Procedures

SUBPART D: AUTOMATIC TELLER MACHINES

Notice of Establishment of Intent to Establish an Off-Premise Automatic Teller Machine(s)

Notice of Use of Automatic Teller Machine(s) (Repealed)

Availability and Sharing of Automatic Teller Machine(s) EFT Terminal(s), Transmission Facilities and Similar Facilities

Dual Functioning Information Processing Machines (Repealed)

SUBPART E: CONSUMER PROTECTION

Consumer Protection

SUBPART F: FUNDS TRANSFER CORPORATIONS AND TRANSMISSION FACILITIES

Application to Establishment Establish and Operation of Operate a Funds Transfer Corporation and Transmission Facilities Facility

Section 310.110

Section 310.210

Section 310.310

310.320

310.330

310.340

310.350

310.360

310.370

Section 310.410

310.420

310.430

310.440

Section 310.510

Section 310.610

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Examination of Funds Transfer Corporations and Transmission Facilities

Annual Report of Funds Transfer Corporation

Hearings (Repealed)

Funds Transfer Corporation Annual Report - Multiple Network Servicer

Quarterly Reports

Changes in Management, Operations and Ownership

Merger or Consolidation

Filing Standard Form Agreements

Fees and Charges

SUBPART G: POINT OF SALE TERMINALS

Notice of Deployment of Intent to Serve a Point of Sale Terminal(s)

SUBPART H: PROPRIETARY NETWORKS AND SIMILAR FACILITIES

Application to Establish and Operate a Proprietary Network and Similar Facility(ies)

Examination of Proprietary Networks and Similar Facilities

Annual Report of Proprietary Networks

Proprietary Network Annual Report - Multiple Network Servicer

Quarterly Reports

Changes in Management, Operations and Ownership

Merger or Consolidation

Filing Standard Agreements

Fees and Charges

SUBPART I: INTERSTATE ELECTRONIC FUND TRANSFER TRANSACTIONS

Section 310.910

Filing of Interstate Sharing Agreements

AUTHORITY: Implementing and authorized by Sections 5-100, 5-101, 6-101, 6-102, 8-100, 8-101, 8-102, 8-103, 9-100, 9-101, 9-102, 9-103, 9-104, 9-106, 9-107, 9-111, 10-100 and 10-101 of the Electronic Fund Transfer Transmission Facility Act (Ill. Rev. Stat. 1987, ch. 17, pars. 1324, 1325, 1328, 1329, 1331,

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1337, 1338, 1339, 1340, 1343, 1344, 1345, 1346, 1347, 1349, 1350, 1354, 1355 and 1356 par 1301 et seq.

SOURCE: Emergency rule at 3 Ill. Reg. 48, p. 202, effective November 21, 1979, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 11, p. 83, effective March 5, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 14, p. 145, effective April 4, 1980; emergency amendment at 4 Ill. Reg. 20, p. 105, effective May 10, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 25, p. 205, effective June 11, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 31, p. 29, effective August 1, 1980; amended at 4 Ill. Reg. 38, p. 131, effective September 19, 1980; amended at 4 Ill. Reg. 38, p. 138, effective September 19, 1980; amended at 4 Ill. Reg. 42, p. 8, effective October 17, 1980; emergency amendment at 6 Ill. Reg. 216, effective January 1, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11476, effective September 15, 1982; amended at 6 Ill. Reg. 11476, effective October 1, 1982; amended at 7 Ill. Reg. 4120, effective March 30, 1983; codified at 8 Ill. Reg. 3275, amended at 12 Ill. Reg. 1774, effective October 20, 1988.

SUBPART A: SCOPE AND AUTHORITY (REPEALED)

Section 310.110 Scope and Authority (Repealed)

These rules are issued by the Commissioner of Banks and Trust Companies pursuant to Subsection 16 of Section 5 of the Illinois Banking Act as amended; Sections 51 and 52 of the Illinois Banking Act as amended (Ill. Rev. Stat. 1981 ch. 177 par. 363 and 364); and Sections 5-100-101, 6-101-102, 6-104, 8-100-103, 9-100-104, 9-106-107, 9-111, 10-100-101 of the Electronic Fund Transfer Transmission Facility Act.

(Source: Repealed at 12 Ill. Reg. 1774, effective October 20, 1988)

SUBPART B: DEFINITIONS

Section 310.210 Definitions

The words and phrases used in these rules shall have the meanings ascribed to them in the Electronic Fund Transfer Transmission Facility Act ("Act"), and Subsections 16 and 17 of

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Section 5 of the Illinois Banking Act, as amended (Ill. Rev. Stat. 1981 ch. 177 par. 311-16 and 311-17). The words and phrases used in this Part and not defined in this Section shall have the meanings ascribed to them in the Electronic Fund Transfer Transmission Facility Act (Ill. Rev. Stat. 1987, ch. 17, par. 1301 et seq.) as now or hereafter amended.

"Act" means the Electronic Fund Transfer Transmission Facility Act, (Ill. Rev. Stat. 1987, ch. 17, par. 1301 et seq.) as now or hereafter amended.

"automatic teller machine location" means the area on which one or more automatic teller machines are located and areas contiguous thereto which the establisher of the automatic teller machine has the exclusive right as owner or lessee to use or maintain for egress or ingress provided no automatic teller machine at the same location may be more than 200 feet, measured vertically or horizontally, from any other automatic teller machine to be deemed at the same location.

"Electronic Fund Transfer (EFT) terminal" means an automatic teller machine or point of sale terminal as defined in Section 3-103.1 and 3-112 of the Act (Ill. Rev. Stat. 1987, ch. 17, par. 1306.1 and 1315), which performs the transactions permitted under Section 8-104 of the Act (Ill. Rev. Stat. 1987, ch. 17, par. 1341). EFT terminal does not include a terminal which may perform any transactions permitted by the Act that is not available to the general public and is used by a person to access accounts held by the person at a financial institution.

"hearing officer" means the Commissioner or an attorney licensed in the State of Illinois who is the presiding official appointed by the Commissioner to conduct a hearing.

"off-premise" with respect to any automatic teller machine established by a financial institution, means a location other than the area on which such financial institution is located and the areas contiguous thereto which such financial institution has the exclusive right as owner or lessee to use or maintain for egress or ingress or for parking in connection with such financial institution.

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at the time of filing also deliver a copy of the Statement of Claim to any party against whom the claim is made, which shall:

- 1) identify the parties to the dispute;
- 2) set forth a brief statement of facts giving rise to the Statement of Claim;
- 3) state the legal basis for the claim;
- 4) state the relief which Claimant requests or to which it deems itself entitled;
- 5) be signed by the Claimant or by the Claimant's attorney and contain the address and telephone number of the individual signing the Statement of Claim. There shall be attached to the Statement of Claim as an exhibit a copy of any agreement between the Claimant and the person against whom relief is sought, hereafter referred to as "Respondent" and also a copy of any other document upon which Claimant relies. Claimant shall at the time of filing also serve a copy of the Statement of Claim together with attached exhibits upon the Respondent; and

6) state whether or not the Claimant desires a hearing.

b) Within fifteen (15) days of receipt of the Statement of Claim, the Commissioner shall notify such parties whether the Commissioner intends to arbitrate the dispute. The Commissioner's decision to arbitrate the dispute shall be based upon a finding that the Statement of Claim presents a valid controversy and was filed in good faith.

c) Upon notification of the Commissioner's decision to arbitrate the dispute, the party(ies) against whom the claim was made shall have ten (10) days within which to file a Response with the Commissioner. The Commissioner shall have the discretion to grant additional time for such parties to respond. The responding party(ies) shall at the time of filing deliver a copy of the Response to the party desiring arbitration. Failure

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"party" as the term is used in Subpart C of this Part includes the Claimant and Respondent to an administrative decision.

"point of sale terminal location" means the area on which a point of sale terminal is located and areas contiguous thereto which the establisher of the point of sale terminal has the exclusive right as owner or lessee to use or maintain for egress or ingress.

"share, shared or sharing" means an arrangement between two or more financial institution(s), proprietary network(s), funds transfer corporation(s) or person(s) establishing point of sale terminals to provide financial institution customers access to their accounts through one or more EFT terminals.

(Source: Amended at 12 Ill. Reg. 17774, effective October 20, 1988)

SUBPART C: ARBITRATION AND OF DISPUTES

Section 310.310 Scope and Authority

Pursuant to paragraph (f) of Subsection 16 of Section 5 of the Illinois Banking Act, as amended, and Sections 5-100, 8-101, 8-102 and 8-105 of the Electronic Fund Transfer Transmission Facility Act ("Act") Act (Ill. Rev. Stat. 1985, ch. 127, par. 13247, 13387, 13399 and 13427), these rules establish the procedure for arbitration of disputes by the Commissioner of Banks and Trust Companies ("Commissioner"). It is expected that prior to invoking the procedures established in Section 310.320 the parties shall make a reasonable effort to settle their disputes.

(Source: Amended at 12 Ill. Reg. 17774, effective October 20, 1988)

Section 310.320 Procedure Statement of Claim, Response and Reply

- a) A party person desiring arbitration, hereafter called "Claimant", shall file with the Commissioner a Statement of Claim. Such Statement of Claim shall be filed with all necessary attachments including a copy of all agreements between the parties. The party desiring arbitration shall

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to respond within the designated time shall constitute a waiver of such party's rights to proceed under these rules:

- b) Claimant, by filing a Statement of Claim, shall be deemed to have waived any rights under Sections 5-100, 8-101, 8-102 and 8-105 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision.
- c) Within twenty (20) days after service of the Statement of Claim upon the Respondent, or within such additional time as the Commissioner may grant for good cause shown, the Respondent may file a Response which shall be delivered to the Commissioner and a copy served upon the Claimant. All requests for extension shall be in writing. In determining whether to grant an extension the Commissioner shall consider such factors as: availability of party's counsel; unavailability of personnel necessary to prepare the Response. The Response shall state whether or not the Respondent desires a hearing. Respondent, by filing a Response, shall be deemed to have waived any rights under Sections 5-100, 8-101, 8-102 and 8-105 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision. Any Respondent who wishes to seek court action shall file a Responsive Statement to that effect with the Commissioner and the Claimant within twenty (20) days after service of the Statement of Claim upon the Respondent. Within thirty (30) days after filing the Responsive Statement, the Respondent shall file or cause to be filed original pleadings seeking court action and shall file a certified copy of such pleadings with the Commissioner. Any Respondent who fails to file a Responsive Statement or who thereafter fails to file the pleading instituting such court action, shall be deemed to have waived their rights under Sections 5-100, 8-101, 8-102 and 8-105 of the Act to seek court action except for the right to seek administrative review of the Commissioner's administrative decision.
- d) Claimant may file a Reply within twenty (20) days after receipt of the Response. Such Reply shall be delivered to the Commissioner and a copy served upon the Respondent.

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e) If upon reviewing the Statement of Claim, Response and Reply thereto, if any, the Commissioner finds that neither party has requested a hearing, he shall:

- 1) make an administrative decision based on the parties' Statement of Claim, Response and Reply thereto, if any; or
- 2) make a determination that a hearing be held. The Commissioner shall make a determination that a hearing be held if the facts are in dispute or it is apparent that additional information is necessary.
- f) If the Commissioner determines that a hearing should be held, he shall within fourteen (14) days of expiration of the twenty (20) day period within which Claimant may file a Reply notify the parties in writing as to the date, time and place of the hearing.
- d) Within thirty (30) days of receipt of the Response the Commissioner may
 - 1) make a determination based on the parties' Statement of Claim and Response; or
 - 2) make a determination that a hearing be held; in which case the Commissioner shall notify the parties of the date, time and place of the hearing; or
 - 3) request that within a reasonable amount of time as determined by the Commissioner, the parties supply any additional information the Commissioner deems necessary. The Commissioner shall within thirty (30) days of receipt of the information requested pursuant to this paragraph
 - A) make a determination based on the parties' Statement of Claim, Response and additional information; or
 - B) make a determination that a hearing shall be held; in which case the Commissioner shall notify the parties of the date, time and place of the hearing.

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Section 310.350 Appointment of Hearing Officer

The Commissioner shall send notice of the appointment of a hearing officer to all parties together with the name and address of the hearing officer appointed.

(Source: Added at 12 Ill. Reg. 1774, effective October 20, 1988)

Section 310.360 Service

The original of all pleadings, including but not limited to all Statements of Claim, Responses, Responsive Statements, Replies, Motions and Responses to Motions shall be served upon the Commissioner at Suite 100, 117 South Fifth St., Springfield, IL 62701. A copy shall be served upon the hearing officer, if any. Pleadings shall be served upon all persons required to receive them by hand delivery or certified mail. Service upon the attorney of record for a party shall be deemed service upon that party.

(Source: Added at 12 Ill. Reg. 1774, effective October 20, 1988)

Section 310.370 Procedures

Other procedural matters in the conduct of an arbitration of a dispute shall, to the extent not inconsistent with this Part, be governed by the following Sections of 38 Ill. Adm. Code 392 (Hearings Before the Commissioner of Banks and Trust Companies), as now or hereafter amended:

- a) Form of Pleadings, by Section 392.90;
- b) Consolidation of Hearing Proceedings, by Section 392.120;
- c) Authority of Hearing Officer, by Section 392.130;
- d) Prehearing Conferences, by Section 392.140;
- e) Subpoenas, by Section 392.150;
- f) Discovery, by Section 392.160;
- g) Evidence Depositions, by Section 392.170;

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After a determination has been made pursuant to Subsection (d), the Commissioner shall within a reasonable amount of time notify the parties in writing of the Commissioner's determination.

(Source: Amended at 12 Ill. Reg. 1774, effective October 20, 1988)

Section 310.330 Motions

a) Motions preliminary to the hearing shall be in writing and served upon all parties and the hearing officer no later than ten (10) days prior to the hearing. Responses to such motions shall be in writing and served in similar manner no later than five (5) days prior to the hearing.

b) The hearing officer shall rule upon a preliminary motion with a written ruling. Oral arguments will be heard on a preliminary motion unless the hearing officer determines that such oral arguments will delay the hearing date. The filing of a preliminary motion or Response thereto shall not stay any hearing scheduled upon a Statement of Claim.

c) All other motions shall be in writing unless made during the hearing and shall be served in accordance with Section 310.360.

(Source: Added at 12 Ill. Reg. 1774, effective October 20, 1988)

Section 310.340 Appearances

a) A party may appear on such party's own behalf or may be represented by an attorney.

b) An attorney who represents a party shall file an appearance with the hearing officer which shall state the party so represented, and the name, address and telephone number of the attorney.

(Source: Added at 12 Ill. Reg. 1774, effective October 20, 1988)

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- h) Conduct of a Hearing, by Section 392.180 except that in subsections (c), (e) and (g) of such Section, the word "Claimant" shall be substituted for "Commissioner";
- i) Evidence, by Section 392.190;
- j) Record of Hearing Proceedings, by Section 392.200;
- k) Briefs, by Section 392.210;
- l) Hearing Officer's Recommendation, by Section 392.220;
- m) Commissioner's Determination, by Section 392.230; and
- n) Construction of Rules, by Section 392.240.

(Source: Added at 12 Ill. Reg. 1774, effective October 20, 1988.)

SUBPART D: AUTOMATIC TELLER MACHINES

Section 310.410 Notice of Establishment of Intent to Establish an Off-Premise Automatic Teller Machine(s)

- a) Scope. Any financial institution state bank which intends, proposes or intends to establish an off-premise automatic teller machine which will not be directly connected to a funds transfer corporation or proprietary network approved pursuant to Section 6-102 of the Act, and will not be included in reports filed pursuant to Sections 310.630, 310.660, 310.830 and 310.850 of this Part, as defined in Subsection 16 of Section 5 paragraph (a) of the Illinois Banking Act, as amended, shall so notify the Commissioner.
- b) Form of Notice. Notice of intention to establish an off-premise automatic teller machine(s) shall be on a form adopted by the Commissioner.
- c) Procedure.
 - 1) The original of the notice together with any necessary attachments shall be filed with the Commissioner at least thirty (30) forty-five (45) days prior to the

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intended establishment operation of such automatic teller machine(s). in the event that notice is not complete, the thirty (30) forty-five (45) day period shall not commence until the notice is complete. The Commissioner shall determine the completeness of the notice within fifteen (15) business days after receipt.

- 2) The Commissioner may allow a state bank to establish an automatic teller machine(s) less than thirty (30) days after furnishing the required information.
- 3) A state bank shall notify the Commissioner in writing of any intended changes in such notice.
- 2) A financial institution shall notify the Commissioner in writing of the intent to discontinue operation of an off-premise automatic teller machine location for which the Commissioner has acknowledged a notice at least ten (10) days prior to the discontinuance.
- d) Contents of Notice. Notice shall include:
 - 1) the location and proposed number of automatic teller machine(s) at that location;
 - 2) the number of off-premise automatic teller machine locations already established by such financial institution;
 - 3) a general description of the area where the off-premise automatic teller machine(s) will be located, including manner of installation;
 - 4) the manner of operation, including whether the automatic teller machine(s) is on-line;
 - 4)5) the kinds of transactions that will be performed by the automatic teller machine(s) pursuant to Section 8-104 of the Act;
 - 5)6) whether the automatic teller machine(s) will be shared; and if so, a copy of the sharing agreement. Such agreement shall designate the Commissioner as final arbitrator of disputes.

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- 7) the manufacturer of the automatic teller machine(s); and if owned, the purchase price, or if leased, the lease payments and name of lessor;
- 6) if the automatic teller machine is shared, the name and business address of the chief executive office of the funds transfer system authorized by law in other states, corporation or proprietary network to which that will provide service to the automatic teller machine(s); and a copy of the service agreement will be directly connected; and

9) consumer protection procedures;

10) security procedures;

11) the distance from the automatic teller machine(s) to the establishing bank's main premises;

12) the distance from the automatic teller machine(s) to the nearest main Banking premises of another bank;

7) any other information the Commissioner determines is pertinent to the ownership, establishment and operation of an automatic teller machine(s) (i.e., other uses of the machine, lease or sublease agreements for the machine or the property on which the machine will be located).

- e) The Commissioner shall acknowledge the notice within thirty (30) days after receipt of a complete notice unless the Commissioner finds the activities proposed in the notice to be in violation of the Act. A notice shall be deemed complete when all information and attachments required by subsection (d) of this Section have been received by the Commissioner. A notice shall be deemed acknowledged if the financial institution which filed the notice has evidence the notice was received by the Commissioner and the Commissioner fails to act on the notice within thirty (30) days after receipt of a complete notice.

- f) Fees. Each notice filed with the Commissioner shall be accompanied by a reasonable fee in an amount determined by the Commissioner to cover the cost expense of administering this Section processing the notice.

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In assessing a fee, the Commissioner shall look at such factors as administrative personnel expenses of the electronic data processing/electronic fund transfer division whose services are utilized in processing the notice, clerical personnel services and supplies calculated to be consumed in processing the notice.

- f) Notice Not Necessary. No notice need be given for the establishment of an automatic teller machine(s) which is part of the bank's main banking premises or at facilities permitted under Subsection 15 of Section 5 of the Illinois Banking Act as amended.

(Source: Amended at 12 Ill. Reg. 1774, effective October 20, 1988)

Section 310.420 Notice of Use of Automatic Teller Machine(s)
(Repealed)

- a) Scope. Any state bank which proposes or intends to share an automatic teller machine(s) as defined in Subsection 16 of Section 5 paragraph (a) of the Illinois Banking Act as amended, shall so notify the Commissioner.
- b) Form of Notice. Notice of intention to share an automatic teller machine(s) shall be on a form adopted by the Commissioner.
- c) Procedure:

- 1) The original of the notice together with any necessary attachments shall be filed with the Commissioner at least ten (10) days prior to the intended sharing of such automatic teller machine(s). In the event that notice is not complete the ten (10) day period shall not commence until the notice is complete.
- 2) The Commissioner may allow a state bank to share an automatic teller machine(s) less than ten (10) days after furnishing the required information.
- 3) A state bank shall notify the Commissioner in writing of any intended change in such notice.

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- d) Contents of Notice: Notice shall include:
- 1) the name and business address of the chief executive officer of the financial institution which established the automatic teller machine(s);
 - 2) the locations and number of automatic teller machine(s) established at each location;
 - 3) the manner of operation, including whether the automatic teller machine is on-line;
 - 4) the kinds of transactions that will be performed;
 - 5) the name and business address of chief executive officer of the funds transfer corporation or proprietary network which will provide service to the automatic teller machine(s);
 - 6) A copy of the sharing agreement, including costs. Such agreements shall designate the Commissioner as the final arbitrator of disputes;
 - 7) the distance from the automatic teller machine(s) to the establishing bank's main premises;
 - 8) the distance from the automatic teller machine(s) to the nearest main banking premises of another bank;
 - 9) consumer protection procedures;
 - 10) security procedures;
 - 11) any other information pertinent to sharing an automatic teller machine(s);
- e) Fees: Each notice filed with the Commissioner shall be accompanied by a reasonable fee to cover the cost of administering this Section.
- f) Notice Not Necessary: Any information requested in this notice which has already been provided to the Commissioner need not be given.

(Source: Repealed at 12 Ill. Reg. 17774, effective October 20, 1988)

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Section 310.430 Availability and Sharing of Automatic Teller Machine(s) EFT Terminal(s), Transmission Facilities and Similar Facilities

- a) Sharing of Automatic Teller Machine(s) By Financial Institutions. Access to any automatic teller machine EFT Terminal that is shared established by a bank in accordance with Subsection (d) or (e) of Subsection 16 of Section 5 of the Illinois Banking Act, as amended, must be provided through a transmission facility or similar facility. may be made available on a non-discriminatory basis for use by the customers of any other financial institution. The terms and conditions of the financial institution's use of such an automatic teller machine shall be governed by a written agreement between the establishing bank and the other financial institution whose customers may use the machine. The written agreement shall specify all terms and conditions and shall include commercially reasonable fees and charges for the use of the automatic teller machine which shall be imposed on a non-discriminatory basis regardless of the financial institution using the machine. A copy of the written agreement shall be filed with the Commissioner by the funds transfer corporation or proprietary network providing service to the automatic teller machine. Such agreement shall specify that in case of a dispute over the terms of the contract agreement, the parties will accept the Commissioner as final arbitrator unless the aggrieved party seeks court action.
- b) Sharing of Automatic Teller Machine(s) Established by Financial Institutions.
- An automatic teller machine established by a financial institution may be made available for sharing on a non-discriminatory basis for use by the customer of any bank which has its main office at a geographic location which would have permitted it to establish an automatic teller machine at the location within the requirements of paragraphs (d) or (e) of Subsection 16 of Section 5 of the Illinois Banking Act. The terms and conditions of the bank's use of such an automatic teller machine shall be governed by a written agreement between the establishing financial institution and the other bank whose customers may use such machine. The written agreement shall specify all terms and conditions and

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shall include commercially reasonable fees and charges for the use of the automatic teller machine which shall be imposed on a non-discriminatory basis, regardless of the non-establishing bank using the machine. A copy of the written agreement shall be filed with the Commissioner by the funds transfer corporation or proprietary network providing the service to the automatic teller machine. Such agreement shall specify that in case of a dispute over the terms of the contract, the parties will accept the Commissioner as final arbitrator unless the aggrieved party seeks court action.

- b) Any EFT terminal established in this state which through a transmission facility or similar facility provides access to accounts held at a financial institution shall be made available on a non-discriminatory basis for use by the customers of any other financial institution which has its principal place of business within this state.
- c) Any transmission facility and any similar facility operating within this state shall be made available on a non-discriminatory basis for use by any transmission facility or similar facility operating within this state and to any financial institution which has its principal place of business within this state.
- d) An agreement pursuant to Section 8-101 of the Act shall be filed with the Commissioner at least forty-five (45) days prior to the date use of the EFT terminal, transmission facility or similar facility is to begin unless such agreement has been previously filed pursuant to Sections 310.690 and 310.880 of this Part. The Commissioner shall acknowledge any agreement which is filed pursuant to this Section within thirty (30) days of receipt of such agreement, unless the Commissioner finds such agreement to be in violation of the Act.

(Source: Amended at 12 Ill. Reg. 1774, effective October 20, 1988)

Section 310.440 Dual Functioning Information Processing Machines (Repealed)

- a) Scope: This Section is promulgated pursuant to Section 5-100 of the Electronic Fund Transfer Transmission Facility

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Act ("Act") and applies to proprietary networks and funds transfer corporations servicing information processing machines.

- b) Requirements. A single information processing machine which qualifies as either an automatic teller machine as defined in Section 3-103.1 or a point of sale terminal as defined in Section 3-112 of the Act, may be programmed to perform both the functions of an automatic teller machine as set forth in Section 5(16)(b) of the Illinois Banking Act and the functions of a point of sale terminal as set forth in Section 8-104 of the Act within the following limitations:
- 1) All provisions, requirements and prohibitions contained in the Illinois Banking Act, the Illinois Savings and Loan Act (1911, Rev. Stat. 1907 ch. 177 pars. 3801 et seq.) and the Act regarding the establishment of operations, sharing and servicing of an automatic teller machine shall be complied with when an information processing machine is programmed to function as an automatic teller machine.
- 2) All provisions, requirements and prohibitions contained in the Act regarding the establishment, operation, sharing and servicing of a point of sale terminal shall be complied with when an information processing machine is programmed to function as a point of sale terminal.
- c) Filing-
- 1) A proprietary network or funds transfer corporation proposing to service an information processing machine programmed to function as both an automatic teller machine and as a point of sale terminal shall file Notice with the Commissioner of Banks and Trust Companies, thirty (30) days prior to intended operations.
- 2) In the event that Notice is not complete, the thirty (30) day period shall not commence until Notice is complete. As soon as possible after receipt of the Notice, written communication regarding the completeness of the Notice shall be sent to the filing party.

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3) Such Notice shall be filed on a form prescribed by the Commissioner of Banks and Trust Companies. Notices shall be mailed to:

EFT Supervising Examiner
Commissioner of Banks and Trust Companies
Room 100 Retsch Building
Springfield, Illinois 62701

d) Effective date: This rule shall become effective October 17 1982.

(Source: Repealed at 12 Ill. Reg. 1774, effective October 20, 1988)

SUBPART F: FUNDS TRANSFER CORPORATIONS AND TRANSMISSION FACILITIES

Section 310.610 Application to Establishment Establish and Operate a Funds Transfer Corporation and Transmission Facilities Facility

a) Scope and Authority: Pursuant to Section 6-101 and 6-102 of the Electronic Fund Transfer Transmission Facility Act, no transmission facility may be established or operated without the prior written approval of the Commissioner.

a)b) Application. Application for approval to establish and operate a funds transfer corporation and transmission facility shall be on a form adopted by the Commissioner.

b)c) Procedure.

1) The original of the application together with any necessary attachments shall be filed with the Commissioner at least sixty (60) days prior to the intended establishment of such funds transfer corporation and transmission facility. Provided that the Commissioner may approve an application upon shorter notice. An applicant shall notify the Commissioner of any intended change in the application. The sixty (60) day period shall not commence until the application is complete. The Commissioner shall determine the completeness of the application within fifteen (15) business days after receipt. The Commissioner shall approve the application upon finding that the requirements of Sections 6-100 and 6-102 of the Act are met.

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2) An applicant shall notify the Commissioner of any change in the application prior to its approval.

c) Contents of Application. Application shall include:

1) the name and address of the chief executive office of the funds transfer corporation;

2) a copy of the logo or identification symbol that will be utilized to identify the EFT terminal(s) served by the funds transfer corporation;

3) a copy of the Articles of Incorporation and Bylaws;

4) a list of the names and addresses of the shareholders;

5) a list of the names and addresses of the participants, their ATM and Point of Sale (POS) sites, the number of EFT terminals at each site, the manufacturer and model number of each EFT terminal;

6) a copy of the financial institution sharing agreement, network sharing agreement, the schedule of fees and charges, and any other related agreement that the proprietary network will use in the course of its business with the sharing participants;

7) a copy of the most recent or beginning balance sheet and income and expense statement for the funds transfer corporation;

8) a copy of the agreement between the funds transfer corporation and its transmission facility, if they are not one in the same;

9) if the transmission facility is financially independent of the funds transfer corporation, attach a copy of the most recent or beginning balance sheet and income and expense statement for the transmission facility;

10) a copy of the most recent independent audit of the transmission facility;

11) a list of all other Illinois financial institutions, proprietary networks, and funds transfer corporations serviced by the transmission facility.

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a) Examination. The Commissioner shall appoint a person(s) to make an examination, at least once in each year every two years, of the affairs of every funds transfer corporation and transmission facility. Such person shall have the powers to make a thorough examination into all of the affairs of the funds transfer corporation and transmission facility and in so doing to examine any of the officers, or employees or agents or employees thereof under oath and shall make a full and detailed report of the condition and affairs of the each funds transfer corporation and transmission facility.

b) Fees. The Commissioner shall charge a reasonable fee per examination to cover the cost of an examination. In assessing a fee, the Commissioner shall look at such factors as administrative personnel expenses of the electronic data processing/electronic fund transfer division whose services are utilized in processing the examination, travel expenses as governed by the Governor's Travel Control Board rules (80 Ill. Adm. Code 2800) and clerical personnel services and supplies calculated to be consumed in the examination.

(Source: Amended at 12 Ill. Reg. 1774, effective October 20, 1988)

Section 310.630 Annual Report of Funds Transfer Corporation
Scope and Authority: Pursuant to Section 9-100 of the Electronic Fund Transfer Transmission Facility Act, a funds transfer corporation shall file an annual report with the Commissioner on a form adopted by the Commissioner, on or before the filing date so specified in the Act each year, covering its operations for the preceding calendar year. The Commissioner shall issue a request for the annual report. The annual report shall be filed on or before the filing date so specified in the Act covering the funds transfer corporation and its transmission facility's operations for the preceding calendar year. The annual report shall include the following:

- a) all the information required by Section 9-100 of the Act;
- b) the name and address of all funds transfer corporation shareholders;

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- 12) a current list of the transmission facility's personnel and indicate whether the personnel are bonded;
- 13) a list of the manufacturer and model number of all computer hardware to be utilized by the transmission facility;
- 14) a list of manufacturer and model number of all communications equipment to be utilized by the transmission facility;
- 15) a list of the software to be utilized by the transmission facility;
- 16) indicate the specifications for the uniform access device;
- 17) a description of the services to be provided for EFT terminal support in a shared environment; and
- 18) a copy of the settlement procedures and sample reports.

d) Fees. Each application filed with the Commissioner to establish and operate a funds transfer corporation and transmission facility shall be accompanied by a fee of \$500 in an amount determined by the Commissioner to cover the cost of processing the application. In assessing a fee, the Commissioner shall look at such factors as administrative personnel expenses of the electronic data processing/electronic fund transfer division whose services are utilized in processing the application, clerical personnel services and supplies calculated to be consumed in processing the application.

(Source: Amended at 12 Ill. Reg. 1774, effective October 20, 1988)

Section 310.620 Examination of Funds Transfer Corporations and Transmission Facilities

a) Scope and Authority: Pursuant to Section 5-101 of the Electronic Fund Transfer Transmission Facility Act, the Commissioner shall have the power and authority and is charged with the duties and responsibilities to examine funds transfer corporations and transmission facilities.

- c) a copy of the logo or identification symbol used by the funds transfer corporation to identify EFT terminals served by it;
- d) a copy of the logo(s) or identification symbol(s) of any other network or funds transfer system which is displayed on the EFT terminal served by the funds transfer corporation;
- e) total number of automatic teller machine locations served by the funds transfer corporation;
- f) total number of point of sale terminal locations served by the funds transfer corporation;
- g) total number of cardholders that are customers of the Illinois financial institutions that are directly connected to the funds transfer corporation;
- h) the number of intranetwork transactions for each month and a total for the year being reported;
- i) the number of internetwork transactions for each month and a total for the year being reported; and
- j) if the transmission facility is financially independent of the funds transfer corporation, a balance sheet and income and expense statement for the transmission facility for the year being reported.

(Source: Amended at 12 Ill. Reg. 17774, effective October 20, 1988)

Section 310.640 Hearings (Repealed)

- a) Scope and Authority: This rule is issued pursuant to Section 10-100 and 10-101 of the Electronic Fund Transfer Transmission Facility Act ("Act").
- b) Hearings: The Commissioner shall cause a hearing to be held whenever he has reason to believe that

- 1) a transmission facility is being operated in an unsound, unsafe or discriminatory manner, or is otherwise in violation of this Act or any rule promulgated pursuant to this Act, or any other laws of the State; and
- 2) the remedies described in Section 10-100 of the Act may be appropriate.
- c) Procedure: Such hearings and matters relating thereto shall comply with Sections 10 through 15 of the Illinois Administrative Procedure Act (111 Rev. Stat. 1981 Ch. 127, pars. 1001 et seq.)

(Source: Repealed at 12 Ill. Reg. 17774, effective October 20, 1988)

Section 310.650 Funds Transfer Corporation Annual Report - Multiple Network Servicer

When a single servicer functions as a transmission facility or similar facility to more than one funds transfer corporation or proprietary network, the servicer may file annual report information that is pertinent to the funds transfer corporation's transmission facility one time for it and all other funds transfer corporation(s) and proprietary network(s) to which it provides transmission facility or similar facility services. The servicer shall indicate the funds transfer corporation(s) and proprietary network(s) for which it is filing annual report information. A funds transfer corporation shall indicate in its annual report whether its transmission facility will be filing annual report information separately.

(Source: Added at 12 Ill. Reg. 17774, effective October 20, 1988)

Section 310.660 Quarterly Reports

A funds transfer corporation shall file a quarterly report in a format specified by the Commissioner, if the information has changed from the previously filed quarterly report. The report shall be filed within forty-five (45) days following the end of each calendar year quarter. The quarterly report shall include the following:

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- a) the name and address of all financial institutions directly connected to the funds transfer corporation;
- b) the name and address of all establishments of point of sale terminals directly connected to the funds transfer corporation;
- c) the address of all EFT terminal sites directly connected to the funds transfer corporation, the number of terminals at each site, and the manufacturer;
- d) the name and address of other Illinois funds transfer corporations and proprietary networks to which the funds transfer corporation is directly connected for sharing; and
- e) the name and address of out of state funds transfer systems to which the funds transfer corporation is directly connected for sharing.

(Source: Added at 12 Ill. Reg. _____, effective _____, effective October 20, 1988)

Section 310.670 Changes in Management, Operations and Ownership

A funds transfer corporation shall notify the Commissioner in writing within thirty (30) days of the occurrence of any of the following:

- a) a change in executive officer(s) of the funds transfer corporation;
- b) the funds transfer corporation establishes a new transmission facility; or
- c) the ownership of the funds transfer corporation falls below two hundred (200) financial institutions.

(Source: Added at 12 Ill. Reg. _____, effective _____, effective October 20, 1988)

Section 310.680 Merger or Consolidation

A funds transfer corporation shall file with the Commissioner a signed copy of the agreement for merger or consolidation of the funds transfer corporations at least sixty (60) days prior to the

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effective date of merger or consolidation. The Commissioner shall respond with a written approval letter or request for additional information within thirty (30) days after receipt of the merger or consolidation agreement. The Commissioner shall approve the merger or consolidation upon finding that the resulting entity meets the requirements set forth in Section 6-102 of the Act.

(Source: Added at 12 Ill. Reg. _____, effective _____, effective October 20, 1988)

Section 310.690 Filing Standard Form Agreements

If a funds transfer corporation uses standard form agreements for service, participation, sharing and transaction interchange within a funds transfer corporation and with other networks and EFT systems, intrastate and interstate, then these standard form agreements may be filed with the Commissioner one time by the funds transfer corporation pursuant to Section 6-104, 8-101 and 8-102 of the Act. The funds transfer corporation filing such standard form agreement shall indicate in annual and quarterly reports, for each financial institution and establishment of EFT terminal(s), the standard form agreement(s) to which the financial institution or establishment of EFT terminal(s) is a party.

(Source: Added at 12 Ill. Reg. _____, effective _____, effective October 20, 1988)

Section 310.700 Fees and Charges

A schedule of all fees and charges for service, participation, sharing and interchange associated with the use and operation of EFT terminals, or any other fee or charge controlled by or agreed to by the funds transfer corporation or transmission facility and other parties (i.e., other networks, financial institutions or other EFT service providers), shall be filed with the Commissioner along with the annual report and any agreement that is required by the Act to contain fees and charges. In the schedule of fees for interchange of electronic fund transfers (transaction fees), the schedule shall indicate for each transaction how much of each fee goes to the EFT terminal establishment, funds transfer corporation, proprietary network, transmission facility, similar facility and any other recipient (i.e., other networks, financial institutions or other EFT service providers). All changes to the fee schedule shall be filed with the Commissioner at least thirty (30) days prior to the date the new fee or charge will take effect. This shall be done by filing a complete new schedule which shows the

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changes indicated by underlining the new fees or charges. Any agreement filed with the Commissioner affected by the change shall be identified.

(Source: Added at 12 Ill. Reg. 1774, effective October 20, 1988)

SUBPART G: POINT OF SALE TERMINALS

Section 310.710 Notice of Deployment of Intent to Serve a Point of Sale Terminal(s)

a) Scope and Authority: As provided in Section 8-100 and 8-102 of the Electronic Fund Transfer Transmission Facility Act, a proprietary network or funds transfer corporation which proposes to deploy a point of sale terminal(s) shall so notify the Commissioner.

a)b) Form of Notice. Notice of intention to deploy serve a point of sale terminal(s) shall be on a form adopted by the Commissioner and shall be filed pursuant to Section 8-100 of the Act.

b)c) Procedure.

1) The original of the notice together with any necessary attachments shall be filed with the Commissioner at least forty-five (45) thirty (30) days prior to the intended establishment serving of such point of sale terminal(s). In the event that notice is not complete, the forty-five (45) thirty (30) day period shall not commence until the notice is complete. The Commissioner shall determine the completeness of the notice within fifteen (15) business days after receipt.

2) The Commissioner may allow a proprietary network or funds transfer corporation to deploy a point of sale terminal(s) less than thirty (30) days after furnishing the required information.

3) A proprietary network or funds transfer corporation shall notify the Commissioner in writing of any intended change in the information contained in the notice.

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2)4) Relocation within a "single location" of a point of sale terminal for which prior notice of deployment has been filed shall not require further notice.

The funds transfer corporation or proprietary network shall file a written notice for additional point of sale terminal location(s) established by a person for whom prior notice has been filed and acknowledged by the Commissioner. The written notice shall be filed at least forty-five (45) days prior to the intended serving of such point of sale terminal(s) and shall include the name and address of the person establishing the point of sale terminal, the date prior notice was accepted, the location of the additional point of sale terminal(s), and any information, required by subsection (c) of this section which is different from the previously filed and accepted notice.

3) A funds transfer corporation or proprietary network shall notify the Commissioner in writing of the intent to discontinue serving a point of sale terminal location for which the Commissioner has acknowledged a notice at least ten (10) days prior to the discontinuance.

c)d) Contents of Notice. Notice shall include:

- 1) the location(s) and the proposed number of point of sale terminal(s) at that location(s);
- 2) a general description of the area(s) where the point of sale terminal(s) will be located;
- 3) the identity of the person establishing the point of sale terminal(s); person deploying the machine;
- 4) the manner of operation, including whether the point of sale terminal(s) device is will be on-line to the funds transfer corporation or proprietary network;
- 5) the kinds of transactions functions that will be performed by the point of sale terminal(s) pursuant to Section 8-104 of the Act;
- 6) whether the point of sale terminal(s) will be manned by the employee of a financial institution.

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- 7) whether the point of sale terminal(s) will be serviced by a funds transfer corporation or a proprietary network;
- 8) the manufacturer, and if owned, the purchase price, or if leased, the lease payments and the name of the lessor;
- 6)9) whether the point of sale terminal(s) will be shared, and if so, a copy of the sharing agreement. Such agreement shall designate the Commissioner as final arbitrator of disputes;
- 7)10) a copy of the written agreement(s) between the funds transfer corporation or proprietary network and the person establishing the point of sale terminal(s) or operator of person establishing or operating the point of sale terminal(s); including commercially reasonable fees, and designating the Commissioner as final arbitrator of disputes; and
- 11) consumer protection procedures;
- 12) security procedures;
- 8)13) any other information pertinent to the ownership, establishment and operation deployment of the point of sale terminal(s), including but not limited to any other agreements, such as: leases, fee income sharing agreements and machine servicing or maintenance agreements.

e) Non-financial institutions-

- 1) A non-financial institution shall not be required to file information and documents requested in subsection (d) (8) and (10). Provided, however, a non-financial institution shall make available such information to the Commissioner upon his request. Such information shall be retained by the Commissioner as confidential.
- 2) If the Commissioner is required to disclose such information, he shall provide reasonable notice to the non-financial institution thirty (30) days in advance of such disclosure unless directed by a court otherwise.

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- d) The Commissioner shall acknowledge the notice within thirty (30) days after receipt of a complete notice unless the Commissioner finds the activities proposed in the notice to be in violation of the Act. A notice shall be deemed complete when all information and attachments required by subsection (c) of this Section have been received by the Commissioner. A notice shall be deemed acknowledged if the financial institution which filed the notice has evidence the notice was received by the Commissioner and the Commissioner fails to act on the notice within thirty (30) days after receipt of a complete notice.
- e)f) Fees. In order to defray the cost and expense of processing such notices, each Each notice filed with the Commissioner shall be accompanied by a fee in an amount determined by the Commissioner to cover the cost of processing the notice. In assessing a fee, the Commissioner shall look at such factors as administrative personnel services of the electronic data processing/electronic fund transfer division whose services are utilized in processing the notice, clerical personnel services and supplies calculated to be consumed in processing the notice.

(Source: Amended at 12 Ill. Reg. 1774, effective October 20, 1988)

SUBPART H: PROPRIETARY NETWORKS AND SIMILAR FACILITIES

Section 310.810 Application to Establish and Operate a Proprietary Network and Similar Facility(ies)

- a) Scope and Authority. As provided in Pursuant to Section 6-102 of the Electronic Fund Transfer Transmission Facility Act, no proprietary network which operates a similar facility shall apply for approval to establish and operate the similar such facility without the prior written approval of the Commissioner.
- a)b) Application. Application for approval to establish and operate a proprietary network and similar facility(ies) Facility shall be on a form adopted by the Commissioner.

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b)et Procedure.

- 1) The original of the application together with any necessary attachments shall be filed with the Commissioner at least thirty (30) days prior to the intended establishment of such proprietary network and similar facility(ies). Facility provided that the Commissioner may approve an application upon shorter notice in the event that the application is not complete. The thirty (30) day period shall not commence until the application is complete. As soon as possible after receipt of the application, written notice regarding the completeness of the application shall be sent to the applicant.

- 2)3) An applicant shall notify the Commissioner of any change in the application prior to its approval. The Commissioner shall determine the completeness of the application within fifteen (15) business days after receipt.

c) Contents of Application. Application shall include:

- 1) the name and address of the chief executive office of the proprietary network;
- 2) a copy of the logo or identification symbol that will be utilized to identify the EFT terminals served by the proprietary network;
- 3) a copy of the Articles of Incorporation and Bylaws (if applicable);
- 4) a list of the names and addresses of the owners of the proprietary network;
- 5) a list of the names and address of the participants, their ATM and POS sites, the number of EFT terminals at each site, and the manufacturer and model number of each EFT terminal;

- 6) a copy of the financial institution sharing agreement, network sharing agreement, the schedule of fees and charges, and any other related agreement that the proprietary network will use in the course of its business with the sharing participants;
- 7) a copy of the most recent or beginning balance sheet and income and expense statement for the proprietary network;
- 8) a copy of the agreement between the proprietary network and its similar facility, if they are not one in the same;
- 9) if the similar facility is financially independent of the proprietary network attach a copy of the most recent or beginning balance sheet and income and expense statement for the similar facility;
- 10) a copy of the most recent independent audit of the similar facility;
- 11) a list of all other Illinois financial institutions, proprietary networks, and funds transfer corporations serviced by the similar facility;
- 12) a current list of the similar facility's personnel and indicate whether the personnel are bonded;
- 13) a list of the manufacturer and model number of all computer hardware to be utilized by the similar facility;
- 14) a list of the manufacturer and model number of all communications equipment to be utilized by the similar facility;
- 15) a list of the software to be utilized by the similar facility;
- 16) indicate the specifications for the uniform access device;
- 17) a description of the services to be provided for EFT terminal support in a shared environment; and

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18) a copy of the settlement procedures and sample reports.

- d) Fees. Each application filed with the Commissioner to establish and operate a proprietary network and similar facility(ies) shall be accompanied by a reasonable fee of \$300- in an amount determined by the Commissioner to cover the cost of processing the application. In assessing a fee, the Commissioner shall look at such factors as administrative personnel expenses of the electronic data processing/electronic fund transfer division whose services are utilized in processing the application, clerical personnel services and supplies calculated to be consumed in processing the application.

(Source: Amended at 12 Ill. Reg. 17774, effective
October 20, 1988)

Section 310.820 Examination of Proprietary Networks and Similar Facilities

- a) Examination. The Commissioner shall appoint a person(s) to make an examination at least once every two years of the affairs of every proprietary network and similar facility. Such a person shall have the power to make a thorough examination into all of the affairs of each proprietary network and similar facility and in so doing to examine any of the officers, employees or agents thereof under oath and shall make a full and detailed report of the condition and affairs of each proprietary network and similar facility.

- b) Fees. The Commissioner shall charge a fee to cover the cost of an examination. In assessing a fee, the Commissioner shall look at such factors as administrative personnel expenses of the electronic data processing/electronic fund transfer division whose services are utilized in processing the examination, clerical personnel services, travel expenses as governed by the Governors Travel Control Board rules (80 Ill. Adm. Code 2800) and supplies calculated to be consumed in the examination.

(Source: Added at 12 Ill. Reg. 17774, effective
October 20, 1988)

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Section 310.830 Annual Report of Proprietary Networks

The Commissioner shall issue a request for the annual report. The annual report shall be filed on or before the filing date so specified in the Act covering the proprietary network and its similar facility's operations for the preceding calendar year. The annual report shall include the following:

- a) all the information required by Section 9-100 of the Act;
- b) the name and address of all the owners of the proprietary network;
- c) a copy of the logo or identification symbol used by the proprietary network to identify EFT terminals served by it;
- d) a copy of the logo(s) or identification symbol(s) of any other network or funds transfer system which is displayed on the EFT terminals served by the proprietary network;
- e) total number of automatic teller machine locations served by the proprietary network;
- f) total number of point of sale terminal locations served by the proprietary network;
- g) total number of cardholders that are customers of the Illinois financial institutions that are directly connected to the proprietary network;
- h) the number of intranetwork transactions for each month and a total for the year being reported;
- i) the number of internetwork transactions for each month and a total for the year being reported; and
- j) if the similar facility is financially independent of the proprietary network a balance sheet and income and expense statement for the similar facility for the year being reported.

(Source: Added at 12 Ill. Reg. 17774, effective
October 20, 1988)

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Section 310.840 Proprietary Network Annual Report - Multiple Network Servicer

When a single servicer functions as a similar facility or transmission facility to more than one proprietary network or funds transfer corporation, the servicer may file the annual report information that is pertinent to the proprietary network's similar facility one time for it and all other proprietary network(s) and funds transfer corporation(s) to which it provides similar facility or transmission facility services. The servicer shall indicate the funds transfer corporation(s) and proprietary network(s) for which it is filing annual report information. A proprietary network shall indicate in its annual report whether its similar facility will be filing annual report information separately.

(Source: Added at 12 Ill. Reg. 17774, effective October 20, 1988)

Section 310.850 Quarterly Reports

A proprietary network shall file a quarterly report in a format specified by the Commissioner if the information has changed from the previously filed quarterly report. The report shall be filed within forty-five (45) days following the end of each calendar year quarter. The quarterly report shall contain the following:

- the name and address of all financial institutions directly connected to the proprietary network;
- the name and address of all establishments of point of sale terminals directly connected to the proprietary network;
- the address of all EFT terminal sites directly connected to the proprietary network, the number of terminals at each site, and the manufacturer;
- the name and address of other Illinois funds transfer corporations and proprietary networks to which the proprietary network is directly connected for sharing; and

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- the name and address of out of state funds transfer systems to which the proprietary network is directly connected for sharing.

(Source: Added at 12 Ill. Reg. 17774, effective October 20, 1988)

Section 310.860 Changes in Management, Operations and Ownership

A proprietary network shall notify the Commissioner in writing within thirty (30) days of the occurrence of any of the following:

- a change in executive officer(s) of the proprietary network;
- the proprietary network establishes a new similar facility(ies); or
- the ownership of the proprietary network changes from ownership by a financial institution(s) to sole ownership by a non-financial institution(s).

(Source: Added at 12 Ill. Reg. 17774, effective October 20, 1988)

Section 310.870 Merger or Consolidation

A proprietary network shall file with the Commissioner a signed copy of the agreement for merger or consolidation of the proprietary network at least sixty (60) days prior to the effective date of merger or consolidation. The Commissioner shall respond with a letter of approval or request for additional information within thirty (30) days after his receipt of the merger or consolidation agreement. The Commissioner shall approve the merger or consolidation upon finding the requirements of Section 6-102 of the Act are met.

(Source: Added at 12 Ill. Reg. 17774, effective October 20, 1988)

Section 310.880 Filing Standard Agreements

If a proprietary network utilizes standard agreements for service, participation, sharing and transaction interchange within a proprietary network and with other networks and EFT systems, intrastate and interstate, then these standard agreements may be filed with the Commissioner one time by the proprietary network.

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The proprietary network filing such standard agreement shall indicate in annual and quarterly reports, for each financial institution and establisher of EFT terminal(s), the standard agreement(s) to which the financial institution or establisher of EFT terminal(s) is a party.

(Source: Added at 12 Ill. Reg. 17774, effective October 20, 1988)

Section 310.890 Fees and Charges

A schedule of all fees and charges for services, participation, sharing and interchange associated with the use and operation of EFT terminals, or any other fee or charge controlled by or agreed to by the proprietary network or similar facility and other parties (i.e., other networks, financial institutions or other EFT service providers), shall be filed with the Commissioner along with the annual report and any agreement that is required by the Act to contain fees and charges. In the schedule of fees for interchange of electronic fund transfers (transaction fees) the schedule shall indicate for each transaction how much of each fee goes to the EFT terminal establisher, funds transfer corporation, proprietary network, transmission facility, similar facility and any other recipient (i.e., other networks, financial institutions or other EFT service providers). All changes to the fee schedule shall be filed with the Commissioner at least thirty (30) days prior to the date the new fee or charge will take effect. This shall be done by filing a complete new schedule which shows the changes indicated by underlining the new fees or charges. Any agreements filed with the Commissioner affected by the change shall be identified.

(Source: Added at 12 Ill. Reg. 17774, effective October 20, 1988)

SUBPART I: INTERSTATE ELECTRONIC FUND TRANSFER TRANSACTIONS

Section 310.910 Filing of Interstate Sharing Agreements

- a) Procedure. The Illinois financial institution, funds transfer corporation or proprietary network entering into the Interstate Sharing Agreement shall file a copy of the signed and executed agreement at least forty-five (45) days prior to the date sharing is to begin.

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- b) Acknowledgment of Receipt. The Commissioner shall acknowledge the agreement within thirty (30) days after receipt of the agreement unless the Commissioner finds the financial institution or the sharing arrangement to be in violation of the Act.
- c) Electronic Fund Transfer Transmissions to Other Countries. Electronic fund transfer transmissions to other countries shall be conducted in the same manner as those authorized by Section 6-104 of the Act and are subject to all the requirements of the Act and this Part.

(Source: Added at 12 Ill. Reg. 17774, effective October 20, 1988)

CAPITAL DEVELOPMENT BOARD

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- 1) Heading of the Part: Selection of Architects/Engineers (A/E)
- 2) Code Citation: 44 Ill. Adm. Code 1000
- 3) Section Number:
1000.110
1000.120
1000.130
Adopted Action:
Amendment
Amendment
- 4) Statutory Authority: Implementing the Capital Development Board Act and authorized by Section 1A-11 of that Act (Ill. Rev. Stat. 1987, ch. 127, par. 783.11).
- 5) Effective Date of Amendments: October 25, 1988
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendments contain incorporations by reference? No
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?
- 8) Date Filed in Agency's Principal Office: October 19, 1988.
- 9) Notice of Proposal Published in Illinois Register: 12 Ill. Reg. 12140; July 29, 1988.

- 10) Has JCAR issued a Statement of Objections to this rule? No

A) Statement of Objection: _____, Ill. Reg. _____
(issue date)

B) Agency Response: _____, Ill. Reg. _____
(issue date)

C) Date Agency Response Submitted for Approval to JCAR:

- 11) Difference between proposal and final version:

- A) The table of contents heading for Section 1000.110 now agrees with the Section heading with the addition of "and Local Government".
- B) In Section 1000.110(a) "Capital Development Board" had been added to the first part of the sentence to define "Board".
In lines 2 and 3 of this subsection "the Board's A/E Selection Rules and Procedures" has been deleted and replaced with "this Part."

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In line 6 deleted the word "any" and changed "program" to "programs". Added additional language to the last sentence to clarify what "other state programs" it is referring to.

- C) In Section 1000.110(b) line 3 deleted the word "acceptable".
- D) In Section 1000.110(c) 3) added a parenthetical which clarifies the meaning of expertise.
- E) In Section 1000.110(e), line 5, and (f) line 13 deleted the word "paragraph" and replaced with "subsection".
- F) In Section 1000.110(i), line 8, and Section 1000.120(e), line 8, deleted "paragraphs" and replaced with "subsections".
- G) In Section 1000.120(c) and 1000.130(c) deleted the space in the citation "1000.110(g) between "1000.110" and "(g)".
- H) In Section 1000.130(d), line 4, retained several words.
- I) In Section 1000.130(e), In the last sentence, deleted the word "Section" and replaced it with the word "Part".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: Language has been added to replace Director of Operations with Director of Constnction. Clause removed that User will be notified of the staff recommendation prior to submittal to the Board. Added local government projects to rule. Overall, clarifies and makes more specific A/E selection procedure.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Fredrick W. Hahn, Legal Advisor
Capital Development Board
401 South Spring Street
Springfield, IL 62706
Telephone 217/785-4250

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 1000
SELECTION OF ARCHITECTS/ENGINEERS (A/E)

Section 1000.110	Elementary and Secondary School and Local Government Construction Projects
1000.120	State Board of Higher Education Projects
1000.130	State Agency Projects

AUTHORITY: Implementing the Capital Development Board Act and authorized by Section 1A-11 of that Act (Ill. Rev. Stat. 1987, ch. 127, par. 783.11).

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20332, effective October 1, 1984; amended at 9 Ill. Reg. 17338, effective October 29, 1985; amended at 12 Ill. Reg. 17815, effective October 25, 1988.

Section 1000.110 Elementary and Secondary School and Local Government Construction Projects

a) The Capital Development Board (Board) will provide the user (school district) or unit of local government with a copy of the Board's A/E Selection Rules and Procedures this Part at the time a viable project is recognized through entitlement by the State Board of Education or appropriated by the General Assembly, or initiated under other state programs, such as, but not limited to, programs under the Build Illinois Act (Ill. Rev. Stat. 1987, ch. 127, pars. 2701-1 et seq.) and the Asbestos Abatement Act (Ill. Rev. Stat. 1987, ch. 122, pars. 1401 et seq.).

b) At such time as the need is determined for the selection of an Architecture/Engineering (A/E) firm, the user will submit to the Board in writing a list of three A/E firms prequalified with the Board and acceptable to the user. This transmittal should contain describe any preference of firms, including past experience with the user firms, and results of interviews held by the user.

c) The Director of Operations Construction will assign five staff professionals to a committee to evaluate the prequalification files of the firms submitted by the user. The committee may add up to three additional firms to the list. Additional firms may be added to the list submitted by the user in appropriate circumstances, such as:

1) poor performance of a suggested firm on other Board projects;

2) lack of prequalification of a suggested firm; or

3) lack of experience expertise of a suggested firm for specific project (i.e. has the firm previously developed a project that is of a similar type and magnitude to the proposed project or does the firm have members trained in disciplines relevant to the proposed project).

d) If the committee recommends acceptance of one of the user's suggested firms, a report indicating the committee's action shall be transmitted to the Director of Operations Construction.

e) The Director of Operations Construction will review and approve the Committee Report. When approved, the Director of Operations Construction will forward the report to the Executive Director who may add or delete firms from the list, employing the standards set forth in paragraph subsection (c) above.

f) If interviews of the A/E firms are deemed necessary by the Board, the staff professionals, in conjunction with the user, will establish a schedule and conduct such interviews, giving 14 days notice to all parties, including time, date, location and interview criteria. The A/E evaluation team will consist of four members; two members will be representatives of the user who are authorized to act in its behalf and two members will be staff professionals. The interviews will be held in the Board's office. Prior to the interviews, the staff professionals will conduct an orientation to assure a thorough understanding by all members of the A/E evaluation team of the interview procedures. Interviews would be deemed necessary by the Board if the committee (c) above believes additional information is needed in order to make a determination regarding the selection of a firm.

g) Immediately upon completion of the prequalification review and or interviews, the A/E evaluation team will review and distribute to each team member the evaluations for each A/E firm. The staff professionals will summarize the evaluations for each A/E firm and will submit them by memorandum to the Director of Operations Construction. The following criteria shall be used to evaluate A/E firms:

1) Simple site adaptation by original A/E.

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- 2) Extensive site adaptation by original A/E.
- 3) Site adaptation by new A/E.
- 4) Additional planned project phase by same A/E.
- 5) Additional work in building by same A/E.
- 6) Additional work in institution by same A/E.
- 7) Previous work on similar project by firm.
- 8) Previous work on similar project by staff or firm.
- 9) Previous satisfactory performance for CDB.
- 10) Appropriate technical disciplines on staff.
- 11) Previous satisfactory performance for private owners.
- 12) Size of firm in relationship to project.
- 13) Proximity to site.
- 14) Firm's workload relative to project schedule.
- 15) Minority firm.
- 16) New firm.
- 17) User recommendation.
- 18) Quality of Presentation (when interviews are conducted).

h) The Director of Operations Construction shall review the evaluations with the Executive Director and notify the user in writing of the results of the evaluation and the committee's first preference.

i) The recommendation of the Committee shall be presented to the Board at its first regularly scheduled meeting after the Director of Operations Construction has notified the user of the committee's recommendation. The user may attend the Board meeting to discuss the recommendation of the committee before the Board takes any action. The Board shall accept or reject the committee's recommendation based on the factors set forth in paragraphs subsections (c) and (g) of this Section.

j) If the user has cause to appeal the Board's action, a written appeal shall be submitted to the Board within 30 days of the Board meeting. Such appeal shall be in the form of a resolution from the user's board. The Board shall take action at the next regularly scheduled meeting following receipt of the appeal.

(Source: Amended at 12 Ill. Reg. 17815, effective October 25, 1988)

Section 1000.120 State Board of Higher Education Projects

a) At such time as the need is determined by the user agency for the selection of an Architecture/Engineering firm for a Higher Education Systems project, the user agency will submit to the Board, in writing, an A/E firm prequalified with the Board and acceptable to the user. The Director of Operations Construction

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shall appoint five staff professionals to act as a selection committee and shall designate one as chairman.

b) The committee will review the Board prequalification file of the recommended firm. If an interview of the A/E firm is deemed necessary, the team will establish a schedule and give 14 days notice to the firm, including the time, date, place and interview criteria. The interview will be held at Board offices and the user will be invited to attend. Prior to the interview, an orientation will be held to assure a thorough understanding by all members of the A/E selection committee of the interview procedure. An interview may be deemed necessary if there is insufficient information on which to base an evaluation of the firm, as when the firm has no previous experience with Board projects.

c) Upon completion of the prequalification review and/or interview, the committee chairman will submit by memorandum to the Director of Operations Construction a detailed report as to the acceptability of the firm. The memorandum shall include an evaluation based upon the criteria set forth in Section 1000.110(g).

d) The Director of Operations Construction will review the recommendation with the Executive Director. The review will be for the purpose of determining the appropriateness of the committee's selection and to consider any additional information which may not have been considered by the committee. If new information is revealed that was not considered by the Committee, the recommendation shall be returned to the committee for consideration in light of the new information.

e) The Executive Director will notify the user agency of the committee's findings. If the recommendation is negative, the user agency will be given thirty days to respond and, if unable to agree with the Board staff on the selection, to appeal to the Board. The appeal shall be an agenda item to be discussed at the Board meeting. Should the Board then deny the appeal, the user will submit the name of another firm which will be evaluated according to the procedure set forth in paragraphs subsections (a) through (d) of this Section.

f) The Executive Director will present to the Board, at its next meeting, the positive staff recommendations for Board approval of the A/E selection.

(Source: Amended at 12 Ill. Reg. 17815 effective October 25, 1988)

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Section 1000.130 State Agency Projects

- a) At such time as the Board determines the need for the employment of an Architecture/Engineering firm for a State agency project, the Director of Operations Construction shall appoint five staff professionals to act as a selection committee. The Director of Operations Construction shall choose one member to be chairman. A need is determined by an appropriation, when a release of funds is requested or secured by the State agency, or the determination by the Executive Director that the A/E selection process for a project should begin.
- b) The committee will review the Board prequalification files to determine which firms will be included in the selection process. The State agency may be consulted, depending on its prior experience with the architect/engineer, and the magnitude of the project, and the agency's technical capabilities. If interviews of any A/E firms are deemed necessary, the committee will establish a schedule and give 14 days notice to all parties including time, date, place and interview criteria. The interviews will be held at Board offices. Prior to the interviews, an orientation will be held to assure a thorough understanding by all members of the A/E selection committee of the interview procedure. An interview will be deemed necessary if there is insufficient information on which to base an evaluation of the firm or if deemed appropriate by the Board or the Executive Director. Factors considered in determining whether to hold interviews include scope of work to be performed, professional disciplines required, magnitude of the project, experience on similar kinds of projects and appropriateness of proposed design to site, location and function.
- c) Upon completion of the prequalification review and/or interviews, the A/E selection committee will review the evaluations for each firm, and the committee chairman will send to the Director of Operations Construction its recommendation of a firm to be approved by the Board, together with the reasons for such recommendation. The memorandum shall include an evaluation based upon the criteria set forth in Section 1000.110(g).
- d) The Director of Operations Construction will review the recommendation with the Executive Director. If the Executive Director concurs with the recommendation the matter will be sent to the Board for its approval. If the Executive Director disagrees with the recommendation he may send the recommendation back to the committee for reconsideration.

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- e) The recommendation of the committee shall be presented to the Board at its first next regularly scheduled meeting, after the Director of Operations has notified the user of the committee's recommendation. The user may attend the Board meeting to discuss the recommendation of the committee before the Board takes any action. The Board shall accept or reject the committee's recommendation based on the factors set forth in Sections 1000.100(c) and (g) of this Section Part.
- f) The Executive Director will notify the State agency of the committee's Board's findings. Should the State agency disagree with the committee's Board's selection, it will be given thirty days to respond. If unable to agree with the Board staff on the selection, the State agency shall be given notice of the Board meeting at which the recommendation will be made. The State agency shall be given an opportunity to discuss at such Board meeting the recommended selection.

(Source: Amended at 12 Ill. Reg. 17815, effective October 25, 1988)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Enterprise Zone Program
- 2) Code Citation: 14 Ill. Adm. Code 520
- 3) Section Numbers:
 Adopted Action:
 520.210 Amendment
 520.900 Amendment
 520.910 Amendment
 520.920 Amendment
 520.930 Amendment
- 4) Statutory Authority: Implementing Sections 1d-1f of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440d-440f) and Section 4 of the Illinois Enterprise Zone Act (Ill. Rev. Stat. 1987, ch. 67 1/2, par. 604) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.42).

- 5) Effective Date of Amendments: October 21, 1988
- 6) Does this rulemaking contain an automatic repeal date? No. ✓
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: October 18, 1988.
- 9) Notice of Proposal Published in Illinois Register: April 1, 1988, 12 Ill. Reg. 5856.
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version: In the authority note the reference to the Illinois Income Tax Act has been changed to read "Sections 201(f), (g) and (h) of the Illinois Income Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 2-201(f), (g) and (h)).".
- The rulemaking has been updated to reflect the 1987 edition of the Illinois Revised Statutes.
- In the heading of Section 520.210 of the table of contents, the spelling of "Eligibility" has been corrected.
- Section 520.210(c)
 The spelling of the word "enterprise" found in the 7th line has been corrected.
- Section 520.900
 In the last paragraph of the definition of "Eligible investment" inserted the following language after "information": "as set forth in Section 520.920(a)".

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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Within the definition of "placed in service" inserted "as defined in 26 CFR 1.46-3(d)" in the second line after "function"; deleted quotation marks from the name of the Act in line 4; and inserted "the earlier of" after "on" in line 5.

Section 520.930(d)
 Added the following sentence to the end of the subsection: "The jobs created or retained must be documented through personnel records."

Section 520.930(f)
 Revised subsection (3) to read as follows: "Such business provides an Audited Financial Statement including balance sheets and income statements audited according to generally accepted auditing standards by a public accountant certified in the State of Illinois. In addition, the firm's chief financial officer shall attest in writing that the firm is not aware of a condition or occurrence which would result in bankruptcy or closure."

Added a subsection (4) which reads "This exemption shall not be allowed beyond the term of the certified Enterprise Zone."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: Section 520.210 removes minimum population requirements for census tracts included in an enterprise zone. Amendments to Sections 520.900 through 520.930 revise guidelines whereby businesses or taxpayers may apply for and be determined as eligible to receive a Machinery and Equipment/Pollution Control Facilities Sales Tax Exemption.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Dennis R. Whetstone, Deputy Director
 Department of Commerce and Community Affairs
 Bureau of Program Administration
 620 East Adams Street, 5th floor
 Springfield, Illinois 62701
 (217) 782-6136

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS
NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 520
ENTERPRISE ZONE PROGRAM
SUBPART A: DEFINITIONS

Section
520.100

Definitions
SUBPART B: APPLICATION AND CERTIFICATION

Section
520.200
520.210
520.220
520.230
520.240
520.250

Eligible Applicants
Eligibility Criteria
Form of Application
Application Procedures
Joint Application
Application Evaluation and Ranking

SUBPART C: AMENDMENT AND DECERTIFICATION

Section
520.300
520.310
520.320

Application Overview
Boundary Changes
Decertification

SUBPART D: DESIGNATED ZONE ORGANIZATIONS

Section
520.400
520.410
520.420

General
Project Eligibility and Approval
Charitable Contributions

SUBPART E: LOCAL RESPONSIBILITIES

Section
520.500
520.510

Reporting and Monitoring
Administration

SUBPART F: TAX INCENTIVES

Section
520.600

Jobs Tax Credit

SUBPART G: HIGH IMPACT BUSINESSES IN FOREIGN TRADE ZONES OR SUB-ZONES

Section
520.700
520.710
520.720
520.730
520.740

Definitions
Eligible Applicants
Eligibility Criteria
Form of Application
Application Review and Approval Process

SUBPART H: INVESTMENT TAX CREDIT CARRY-FORWARD

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Section
520.800
520.810
520.820
520.830

Definitions
Eligibility Criteria
Form of Application
Application Review and Approval Process

SUBPART I: MACHINERY AND EQUIPMENT/POLLUTION
CONTROL FACILITIES SALES TAX EXEMPTION

Section
520.900
520.910
520.920
520.930

Definitions
Eligibility Criteria
Form of Application
Application Review and Approval Process

SUBPART J: ENTERPRISE ZONE UTILITY TAX EXEMPTION

Section
520.1000
520.1010
520.1020
520.1030

Definitions
Eligibility Criteria
Form of Application
Application Review and Approval Process

AUTHORITY: Implementing the Illinois Enterprise Zone Act (Ill. Rev. Stat. 1987, ch. 67 1/2, pars. 601 et seq.); Sections 201(f), (g) and (h) of the Illinois Income Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 2-201(f), (g) and (h)); Sections 1d-1f of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440d-440f); and Sections 9-221, 9-222, and 9-222.1 of the Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 9-221, 9-222, and 9-222.1) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.42).

SOURCE: Adopted at 9 Ill. Reg. 11790, effective July 24, 1985; emergency amendments at 10 Ill. Reg. 4936, effective March 11, 1986 for a maximum of 150 days; amended at 10 Ill. Reg. 7323, effective April 18, 1986; amended at 10 Ill. Reg. 12563, effective July 7, 1986; amended at 10 Ill. Reg. 12915, effective July 22, 1986; amended at 10 Ill. Reg. 15200, effective September 8, 1986; amended at 10 Ill. Reg. 16580, effective September 24, 1986; amended at 10 Ill. Reg. 19718, effective November 6, 1986; amended at 11 Ill. Reg. 11054, effective June 5, 1987; emergency amendments at 11 Ill. Reg. 11174, effective June 8, 1987 for a maximum of 150 days; amended at 11 Ill. Reg. 16091, effective September 29, 1987; amended at 12 Ill. Reg. 4115, effective February 8, 1988; amended at 12 Ill. Reg. 11201, effective June 17, 1988; amended at 12 Ill. Reg. 17823, effective October 21, 1988.

NOTE: Capitalization denotes statutory language.

SUBPART B: APPLICATION AND CERTIFICATION

Section 520.210 Eligibility Criteria

A municipality or county may qualify an area for designation as an enterprise

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zone, subject to certification by the Department, in accordance with the criteria set forth in Section 4 of the Act and the following:

- a) The area is contiguous, which means the area has a solid continuous boundary. Boundaries shall be clearly defined and follow natural or man-made entities such as rivers, highways and boundaries of units of government.
- b) For purposes of calculating total area, boundaries that are connecting strips shall be not less than three nor more than ten feet wide. Waterways shall not be used as connecting strips. Areas within connecting strips must be considered when determining if the proposed enterprise zone meets one of the eligibility tests set forth in subsection (d) ~~except that census tracts encompassing only connecting strips are not required to meet the population requirements set forth in subsection (c).~~
- c) Although the Department does not require the applicant to use census geography boundaries as the boundaries for the enterprise zone, census geography must be used to demonstrate how the area meets one of the eligibility criteria. The census geographies to be used shall be the smallest geographies for which data are available and which encompass the entire proposed enterprise zone. When an enterprise zone boundary splits a census tract, county civil division or minor civil division, then the data for block groups or enumeration districts entirely within the enterprise zone and those which include any part of the enterprise zone shall be included in the calculation. ~~If more than 50 percent of the area of a census tract is included in an enterprise zone, the area included in the enterprise zone must have a minimum population of 500. If less than 50 percent of the area is included, it shall have a minimum population of 250.~~

d) The area must meet at least one of the following tests.

- 1) Unemployment. The unemployment criterion is met if the proposed enterprise zone has an annual average unemployment rate at least 120 percent of the State's annual average unemployment rate for the most recent twelve month period for which data are available as reported by the Department of Employment Security.
- 2) Poverty. The poverty criterion is met if the poverty rate for each census tract, minor civil division or county civil division which contains any part of the area proposed as an enterprise zone was at least 20 percent as of the 1980 federal census. Poverty is computed using the number of persons in families or who reside together as unrelated individuals who had incomes below the poverty threshold in the 1980 federal census.

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- 3) Low Income. The low income criterion is met if at least 70 percent of the households in the proposed enterprise zone have incomes equal to or less than 80 percent of the median household income of the larger geography in which the enterprise zone is located. If a census geography has a median household income 125 percent or more of the median household income of the larger geography, it shall not be used in calculating enterprise zone eligibility and shall not be included in the proposed enterprise zone.
- 4) Population Loss. The population loss criterion is met if the proposed enterprise zone suffered a population decrease of 20 percent or more between 1970 and 1980 as determined by federal census data.
- 5) Job Creation. The Department may designate an area as an enterprise zone when such designation will result in the development of substantial employment opportunities by creating or retaining a minimum of 1,000 full time equivalent jobs due to investment of \$100 million or more and help alleviate the effects of poverty and unemployment within the zone or in the vicinity of the zone.

(Source: Amended at 12 Ill. Reg. 17823, effective October 21, 1988)

SUBPART I: MACHINERY AND EQUIPMENT/POLLUTION
CONTROL FACILITIES SALES TAX EXEMPTION

Section 520.900 Definitions

The following definitions are applicable to Subpart I.

"Act" means Section 1d-1f of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440d-440f).

"Department" means the Department of Commerce and Community Affairs.

"Eligible investment" means investments in qualified property as defined in the Enterprise Zone Investment Tax Credit Section 201(c) of the Illinois Income Tax Act (Ill. Rev. Stat. 1985, ch. 120, par. 2-201(c)). shall consist of the following two categories of expenditures:

Investments in qualified property which are placed in service in an Enterprise Zone. Qualified properties are statutorily defined in Section 2-201(f) of the Illinois Income Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 2-201(f)).

NOTICE OF ADOPTED AMENDMENTS

Noncapital/nonroutine investments, and associated service costs (direct labor or contractual fees), placed in service in an Enterprise Zone and made for the improvement or renovation of qualified properties. These activities are undertaken for the purposes of improving productive capacity, efficiency, product quality or competitive position. The investments cannot be repetitive, commonplace or associated with regular maintenance expenditures, and would include, for example, rebuilt cast house furnaces, rebuilt soaking furnaces, a rebuilt hot line control system, restructured plant layout, and installed equipment to rebuild a logman baler. Noncapital/nonroutine investments are those that do not qualify for the investment tax credit pursuant to Section 2-20(f) of the Illinois Income Tax Act.

Businesses utilizing this definition must provide detailed information as set forth in Section 520.920(a) regarding the purpose, scope, justification and benefits of these noncapital/nonroutine investments, including defined project start and completion target dates, and a level of expenditures of at least \$40,000.

"Full-time employee" means a person, employed by the taxpayer or any wholly-owned subsidiary of the taxpayer, who works a minimum of 35 regular hours per week for 52 weeks for a minimum total of 1,820 hours per year. Vacations, paid holidays and sick time are included in this computation. Overtime is not considered regular hours.

"Full-time equivalent job" means the number of employees required to equal one full-time employee. For purposes of this definition, "employee" means a person who works a minimum of 35 hours per week for a minimum of 13 consecutive weeks to be counted toward full-time equivalency.

"Job creation" means at least 200 full-time equivalent employees have been hired over the number of full-time equivalent employees that were employed by the applicant as of December 31 of the previous year, or the 1st day of the applicant's most recently completed taxable year, whichever is later. Job titles being filled or re-filled as a result of strikes cannot be computed as job creation. A majority of the "jobs created" must be in the enterprise zone in which the eligible investment is made.

"Job retention" means that at least 2,000 full-time employees will remain employed in Illinois as a direct result of the eligible investment and that the employees would have lost their jobs had the investment not been made. A majority of the "jobs retained" must be in the enterprise zone in which the eligible investment is

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made.

"Minimum investment" means the amount of eligible investments which must be made to qualify for the exemption. Under the job creation criteria the minimum eligible investment which must be made in the enterprise zone is \$5 million. Under the job retention criteria the minimum eligible investment which must be made in the enterprise zone is \$40 million.

"Placed in service" means the state or condition of readiness and availability for a specifically assigned function as defined in 26 CFR 1.46-3(d). Eligible investments in qualified property as defined in Section 2-201 (f) of the Illinois Income Tax Act shall be considered placed in service on the earlier of

the date the property is placed in a condition of readiness and availability for use; or

the date on which the depreciation period of that property begins. Eligible noncapital and nonroutine investments shall be considered placed in service if eighty percent of the allocated monies have been expended.

"Qualified employee" means a person who is employed by the taxpayer applying for the exemption, or, if the taxpayer is a corporation, any wholly-owned subsidiary of the corporation for purposes of this program, a majority of qualified employees must provide services in the zone or have the zone location as the base of operations for the services performed.

(Source: Amended at 12 Ill. Reg. 17823, effective October 21, 1988)

Section 520.910 Eligibility Criteria

Eligibility for the tax exemption is contingent on the business making a minimum eligible investment of \$5 million in an enterprise zone which causes the creation of a minimum of 200 full-time equivalent jobs or a minimum eligible investment of \$40 million in an enterprise zone which causes the retention of a minimum of 2,000 full-time jobs in Illinois

(Source: Amended at 12 Ill. Reg. 17823, effective October 21, 1988)

Section 520.920 Form of Application

An application shall be submitted on the standard application form provided by the Department. An application shall include:

- a) Investment Information - a description of the planned qualifying eligible investment; documentation to substantiate that the investment is eligible ~~qualified~~ as a "qualified investment."

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construction schedules, schematics and specifications, or lists and approximate value cost of equipment to be purchased); and a statement when the eligible investments in qualified property ~~will be made~~ were placed in service and if project requires financing ~~from other than taxpayer resources, a statement from the source of financing verifying that adequate funds to complete the qualifying investment have been committed to the taxpayer and project.~~

b) Job Information

- 1) Job Creation - information on new employment that will result in the enterprise zone as a result of the investment which includes by job title(s) the number of current and new employees, and starting date of new employees; and an explanation of how and why the investment causes additional employment in the enterprise zone; or
- 2) Job Retention - information on the full-time jobs that will be retained in the enterprise zone as a result of the investment which includes by job title(s) the number of employees; and an explanation of how and why the investment causes retention of full-time employees.

3) Applicants utilizing the job creation criterion for eligibility for the exemption must actually employ 200 full-time equivalent employees prior to certification for this exemption.

4) Applicants are encouraged to submit applications to the Department prior to the actual creation of 200 full-time equivalent jobs. The Department will conditionally approve the application subject to the requirements of Section 520.910 being met.

- c) Certification - signed and dated statement indicating that data and information in the application is correct; the Department will be provided access to any material, documentation or other data required to verify application information; and a statement that ~~without exemption the investment and job creation or retention activity could not take place, and the number of jobs to be created or retained shall be maintained for term of exemption, otherwise the Department will be notified and exemption terminated.~~

(Source: Amended at 12 Ill. Reg. 17823, effective October 21, 1988.)

Section 520.930 Application Review and Approval Process

- a) Applications shall be submitted to the Department which shall approve or deny the application in writing within 30 days of

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receipt. The application ~~will~~ shall be approved if it meets the requirements of Sections 520.910 and 520.920.

- b) In cases when the Department denies an application it shall specify in writing the reasons for denial and shall allow the applicant 15 days to amend and resubmit the application. Resubmitted applications shall be approved or denied in writing within 15 days of receipt.

c) Applicants determined eligible by the Department, in accordance with Section 520.910, shall be issued a Certificate of Exemption ~~the Certificates of Exemption, for a term established by the Director of the Department of Commerce and Community Affairs. The period of exemption will be determined based on factors such as total investment; total number of jobs created or retained; and the economic and social impact the project will have on the community in which the investment occurs. An initial Certificate of Exemption shall be issued for a specific time period which will expire at the end of:~~

- 1) three years after the date of issuance; or
- 2) the date the qualified properties are placed in service, ~~whichever is sooner.~~

~~d) At least 60 days before the expiration of the initial exemption the business must submit documentation (as described in Sections 520.920(a) and (b)) to the Department that the qualifying investments have been made and the job creation or retention requirements have been met. The Department will then issue the second Certificate of Exemption for the remainder of the exemption period. A copy of both the initial and final certifications. Certificate of Exemption will be filed by the Department with the Illinois Department of Revenue when they are issued, in accordance with Section 1f of the Act.~~

- d) Businesses approved in accordance with this Section shall furnish to the Department not later than 90 days after the Certificate of Exemption has been issued, financial statements of the business examined by public accountants certified by the State of Illinois, in accordance with generally accepted accounting practices, containing the unqualified opinion of such public accountants that the investments in qualified property have been placed in service. In addition, the Department shall have the right to inspect and conduct its own audit of all books and records relied upon by the business to demonstrate that the eligible investments in qualified property have been placed in service. Certified businesses shall also submit information annually to the Department documenting the maintenance of the minimum job creation or job retention criterion. Certified businesses who fail to

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comply with this subsection shall be decertified for the tax exemption and shall repay the exempted taxes. The jobs created or retained must be documented through personnel records.

e) All certified businesses will receive this exemption for a period of five years.

f) At the expiration of this initial five year period, certified businesses may apply to the Department for renewals of the exemption for additional five-year time periods. The Department shall grant an exemption to a certified business for an additional five-year period provided that at the time of the application for renewal:

1) In the case of a business certified pursuant to the job creation criterion of Section 520.910, such business has retained a minimum of 200 full-time equivalent jobs in Illinois; or in the case of a business certified pursuant to the job retention criterion of Section 520.910, such business has retained a minimum of 2,000 full-time jobs in Illinois. A majority of the "jobs retained" must be in the Enterprise Zone in which the eligible investment is made.

2) Such business is located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act (Ill. Rev. Stat. 1987, ch. 67 1/2, pars. 601 et seq.).

3) Such business provides an Audited Financial Statement including balance sheets and income statements audited according to generally accepted auditing standards by a public accountant certified in the State of Illinois. In addition, the firm's chief financial officer shall attest in writing that the firm is not aware of a condition or occurrence which would result in bankruptcy or closure.

4) This exemption shall not be allowed beyond the term of the certified Enterprise Zone.

(Source: Amended at 12 Ill. Reg. 17823, effective October 21, 1988)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Formulation and Issuance of Schedules of Maximum Rates for Check Cashing and the Writing of Money Orders of Community and Ambulatory Currency Exchanges

2) Code Citation: 38 Ill. Adm. Code 125

3) Section Number: Adopted Action:
125.40 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 17, pars. 4838, 4839, and 4835.

5) Effective Date of Rulemaking: October 24, 1988

6) Does this Rulemaking Contain an Automatic Repeal Date? No.

7) Does this Rulemaking Contain Incorporations by Reference? No.

8) Date Filed in Agency's Principal Office: September 15, 1988.

9) Notice of Proposal Published in Illinois Register:

April 15, 1988 12 Ill. Reg. 6894

10) Has JCAR Issued a Statement of Objection to this Rule? No.

11) Differences Between Proposal and Final Version: None.

12) Have all the Changes Agreed Upon by the Agency and JCAR been Made as Indicated in the Agreement Letter Issued by JCAR? Yes.

13) Will this Rule Replace an Emergency Rule Currently in Effect? No.

14) Are there Any Amendments Pending on this Part? No.

15) Summary and Purpose of Amendment:

In connection with the Currency Exchange rules considered at the JCAR meeting held on April 17, 1986, our Department had agreed to initiate rulemaking to amend this part to delete the phrase "or his designee".

16) Information and Questions Regarding this Adopted Amendment Shall be Directed to:

DEPARTMENT OF FINANCIAL INSTITUTIONS
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Ben Schwarm
Dept. of Financial Institutions
421 E. Capitol, Room 205
Springfield, IL 62706
(217) 782-2831

The full text of the adopted amendment begins on the next page.

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TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER 1: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 125

THE FORMULATION AND ISSUANCE OF SCHEDULES OF MAXIMUM RATES FOR
CHECK CASHING AND THE WRITING OF MONEY ORDERS OF COMMUNITY AND
AMBULATORY CURRENCY EXCHANGES

Section

125.10 Authority

125.20 Purposes

125.30 Procedure and Criteria for Rate Making

125.40 Procedure for Submission, Consideration and Disposition of

Petitions Seeking the Promulgation, Amendment or Repeal of

Part 125

125.50 Form and Procedure for the Submission, Consideration and

Disposition of Petitions Seeking an Increase of the Rates Set

Forth in the Maximum Rate Schedule

125.60 Prohibition Against and Sanctions for Charging More than Rates

Set Forth in the Maximum Rate Schedule

125.70 Procedure for Charging Less than Applicable Maximum Rates

125.80 Prohibition Against Charging More than Posted Fees

125.90 Construction of Rules

125.100 Hearing Procedure

AUTHORITY: Implementing Sections 19.3 and 19.4 and authorized by Section 19 of "AN ACT in relation to the definition, licensing and regulation of community currency exchanges and ambulatory currency exchanges, and the operators and employees thereof, and to make an appropriation therefor, and to provide penalties and remedies for the violation thereof" (Ill. Rev. Stat. ~~1983~~ 1987, ch. 17, pars. 4838, 4839 and ~~4834~~ 4835).

SOURCE: Adopted at 1 Ill. Reg. 24, p. 1, effective December 2, 1977; amended at 4 Ill. Reg. 17, p. 190, effective April 16, 1980; codified at 8 Ill. Reg. 8507; amended at 9 Ill. Reg. 12284, effective July 30, 1985; amended at 11 Ill. Reg. 686, effective December 20, 1986; amended at 12 Ill. Reg. ~~17834~~, effective October 24, 1988.

Section 125.40 Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of Part 125

a) Right to Petition

Any interested person may petition the Director requesting the promulgation of a Rule or Rules of Practice and Procedure for the rate-making, or for an amendment, modification, revision or repeal of any of ~~these Rules~~ this Part regarding rate-making.

b) Form of Petition

1) Petitions to be in Writing and Signed

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The petition must be in writing and signed by the party requesting the promulgation, amendment, modification, revision or repeal of any of these Rules this Part.

- 2) Contents of Petition
The petition must set forth the following:
A) A statement of whether the promulgation of a new rule, or the amendment, modification, revision or repeal of a present rule, is being sought, and
B) Petition Requirements for New, Amended or Repealed Rules
i) If the petition requests the promulgation of a new rule, the petition must set forth the full text of the suggested new rule; or
ii) If the petition requests the amendment, revision or modification of an existing rule, the petition must identify the existing rule as to which amendment, revision or modification is being requested and must set forth the full text of the rule as amended, revised or modified; or
iii) If the petition requests the repeal of an existing rule, the petition must identify the particular rule as to which repeal is being requested; and
C) A statement of the petitioner's reasons for requesting the promulgation, amendment, revision, modification or repeal, as the case may be.
3) Filing of Petition
Such petition may be filed in person or by mail with the Director of the Department of Financial Institutions, either at The State of Illinois Building, 160 North LaSalle Street, 100 West Randolph, Ste. 15-700, Chicago, Illinois 60601, or at 421 East Capitol Street Avenue, Springfield, Illinois 62706.

- c) Disposition of Petition
Within thirty (30) days of the receipt of the petition, the Director will notify the petitioner whether the Director will grant the petition and initiate rule-making proceedings in accord with Section 5 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1984, 1987, ch. 127, par. 1005). If, within thirty (30) days after receipt of the petition, the Director has not initiated such rule-making proceedings, the petition shall be deemed to have been denied. The Director or his designee will grant the petition if he determines that one or more of the following criteria are established:
1) The current rule or set of rules are outdated and do not reflect present currency exchange operations and serve the needs of the industry and the public.
2) Petition presents new and relevant information/data pertaining to the formulation of rates.

(Source: Amended at 12 Ill. Reg. 17834, effective October 24, 1988.

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- 1) Heading of the Part: Illinois Credit Union Act
2) Code Citation: 38 Ill. Adm. Code 190
3) Section Number: Adopted Action:
190.5 Amendment
4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 17, pars. 4431(8) and 4409(2).
5) Effective Date of Rulemaking: October 24, 1988
6) Does this Rulemaking Contain an Automatic Repeal Date? No.
7) Does this Rulemaking Contain Incorporations by Reference? Yes.
8) Date Filed in Agency's Principal Office: September 15, 1988.
9) Notice of Proposal Published in Illinois Register:
April 15, 1988 12 Ill. Reg. 6888
10) Has JCAR Issued a Statement of Objection to this Rule? No.
11) Differences Between Proposal and Final Version:
In the references is Sections 190.5(a)(5) and (5)(d), text has been added to indicate that incorporated materials have no amendments or subsequent editions.
12) Have all the Changes Agreed Upon by the Agency and JCAR been Made as Indicated in the Agreement Letter Issued by JCAR? Yes.
13) Will this Rule Replace an Emergency Rule Currently in Effect? No.
14) Are there Any Amendments Pending on this Part? Yes.

Section Numbers:	Proposed Action:	Ill. Reg. Citation:
190.10	Amendment	Sept. 9, 1988, 12 Ill. Reg. 14087
190.50	Amendment	Sept. 9, 1988, 12 Ill. Reg. 14087
190.140	Amendment	Sept. 9, 1988, 12 Ill. Reg. 14087
190.160	Amendment	Sept. 9, 1988, 12 Ill. Reg. 14087
190.180	Amendment	Sept. 9, 1988, 12 Ill. Reg. 14087

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15) Summary and Purpose of Amendment:

In connection with the Credit Union rules considered at the JCAR meeting on April 17, 1986, our Department had agreed to initiate rulemaking to insert an incorporation by reference of standards of the Financial Accounting Standards Board. We had made an error previously on this portion of the rule; this amendment will make the necessary correction.

16) Information and Questions Regarding this Adopted Amendment Shall be Directed to:

Ben Schwarm
 Dept. of Financial Institutions
 421 E. Capitol, Room 205
 Springfield, IL 62706
 (217) 782-2831

The full text of the adopted amendment begins on the next page.

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 190

ILLINOIS CREDIT UNION ACT

Section	
190.5	Credit Union Service Organizations
190.10	Field of Membership Procedures
190.20	Hearings
190.30	Cease and Desist Procedures
190.40	Removal or Suspension Procedures
190.50	Fees
190.60	General Accounting Procedures
190.70	Loan Loss Accounting Procedures
190.80	Use of Electronic Data Processing
190.90	Property and Long Term Leases
190.100	Classes of Share and Special Purpose Share Accounts
190.110	Share Drafts
190.120	Bond and Insurance Requirements
190.130	Verification of Share and Loan Accounts
190.140	Real Estate Lending
190.150	Reverse Mortgage
190.160	Lending Limits
190.170	Group Purchasing
190.180	Investments
190.190	Liquidation
190.200	Conversion of Charter

AUTHORITY: Implementing Section 30(8) and authorized by Section 8(2) of the Illinois Credit Union Act (Ill. Rev. Stat. 1985 1987, ch. 17, pars. 4431(8) and 4409(2)).

SOURCE: Adopted at 4 Ill. Reg. 20, p. 17, effective May 7, 1980; amended at 6 Ill. Reg. 11154, effective September 7, 1982; amended and codified at 7 Ill. Reg. 14973, effective October 26, 1983; emergency amendment at 9 Ill. Reg. 14378, effective September 11, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 16231, effective October 10, 1985; amended at 10 Ill. Reg. 14667, effective August 27, 1986; amended at 12 Ill. Reg. 10464, effective June 7, 1988; amended at 12 Ill. Reg. 17838, effective October 24, 1988.

Section 190.5 Credit Union Service Organizations

- Credit unions which choose to invest in or lend to or delegate managerial duties and responsibilities to a Credit Union Service Organization (CUSO) which is a credit union organization as defined in

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Section 1.1 of the Illinois Credit Union Act (Ill. Rev. Stat. 1983 1987, ch. 17, par. 4402) (the Act) must apply to the Department of Financial Institutions (the Department) for approval prior to any involvement with the particular CUSO. The letter of application to the Department must contain the following information:

- 1) The name and location of the CUSO.
 - 2) Services provided by the CUSO.
 - 3) The names of the officers, employees and agents of the CUSO and their relationship to the credit union and the credit union's directors, officers, staff and members.
 - 4) The form of organization under which the CUSO operates -- corporation, limited partnership, general partnership, sole proprietorship or joint venture.
 - 5) A copy of any proposed contract or agreement between the credit union and the CUSO. The written service agreement between the credit union and the CUSO must contain a clause which states the CUSO will:
 - A) Provide the department with complete access to any books and records of the CUSO, with the costs of examining these records borne by the credit union served in accordance with the per diem rate set out in Section 12 of the Act (Ill. Rev. Stat. 1983 1987, ch. 17, par. 4413).
 - B) Follow Generally Accepted Accounting Principles as outlined by the Financial Accounting Standards Board (High Ridge Park, Stamford, Connecticut 06905, June 1, 1981. This incorporation by reference does not include any later amendments.)
 - C) Provide the credit union with the financial statements of the CUSO on at least a quarterly basis and Certified Public Accountant (CPA) EPA audited financial statements on an annual basis.
 - 6) The most recent financial statements of the credit union and the CUSO.
 - 7) Who the CUSO now serves.
 - 8) The credit union's investments in or loans to other CUSO's.
 - 9) The credit union's indebtedness to any other credit unions, corporations, financial institutions, credit union organizations, or other organizations.
- b) Approval of applications shall be given in writing within 30 days receipt of the application once it is determined involvement with the CUSO will not adversely affect the credit union's financial position. The determination will be based on the following factors:
- 1) The CUSO complies with the definition of a credit union organization as defined by Section 1.1 of the Illinois Credit Union Act (Ill. Rev. Stat. 1983 1987, ch. 17, par. 4402).
 - 2) Any proposed loan to the CUSO does not cause aggregate loans to organizations, per Section 51 (4) of the Illinois Credit Union Act, (Ill. Rev. Stat. 1983 1987, ch. 17, par. 4452 (4)), to organizations, per Section 51 (4) of the Illinois Credit Union

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Act, (Ill. Rev. Stat. 1987, ch. 17, par. 4452 (4)), to exceed 1% of the paid-in and unimpaired capital and surplus of the credit union.

- 3) The investment in the CUSO does not cause the aggregate investment in CUSOs to exceed 1% of the paid-in and unimpaired capital and surplus of the credit union in accordance with the statutory limitation on loans to CUSOs.
- 4) All dealings between the credit union's directors, officers, employees, their family members or any corporation, partnership, proprietorship or association in which these individuals hold interest and the CUSO are disclosed. Any agreements between these individuals, businesses or associations and the CUSO must be structured to project economic benefit, increased efficiencies and/or cost effective service to the credit union and must not project a detrimental effect on the earnings or sound operation of the credit union. For purposes of this section "family member" means a spouse or a child, parent, grandchild, grandparent, brother or sister, or the spouse of any such individual.
- 5) Any agreement between the credit union and the CUSO must be structured to project economic benefit, increased efficiencies and/or cost effective service to the credit union and must not project a detrimental effect on the earnings or sound operation of the credit union.
- c) The service contract between a credit union and CUSO must contain a clause reciting that the parties agree to terminate their contractual relationship:
 - 1) Upon 90 days written notice to the parties by the Director that the safety and soundness of the credit union is threatened pursuant to the Department's cease and desist and suspension authority as outlined in Section 8(4), 8(5) and 61 of the Act (Ill. Rev. Stat. 1983 ch. 17, par. 4408 and 4462) 1987, ch. 17, par. 4409(4) and (5) and 4462.)
 - 2) Immediately upon the parties' receipt of written notice from the Director where the Director reasonably concludes based upon specific facts set forth in the notice to the parties that the credit union will suffer immediate, substantial and irreparable injury or loss if it remains a party to the service contract.

The termination of the underlying contract between the CUSO and the credit union shall in no way operate to relieve the CUSO of repaying any investment, indebtedness or other obligation due and owing the credit union at the time of termination. Any CUSO that was in existence prior to the effective date of this rule and that was legally operating in a manner that, although inconsistent with this rule, was not in contravention of the Illinois Credit Union Act, may continue its operation until one year from the effective date of this rule.
- d) In recording all transactions with the CUSO, Generally Accepted Accounting Principles as outlined by the Financial Accounting Standards

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Board (High Ridge Park, Stamford, Connecticut 06905, June 1, 1981.
This incorporation by reference does not include any later amendments.)
will be followed by the credit union.

(Source: Amended at 12 Ill. Reg. 17838, effective October 24, 1988.)

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- 1) Heading of the Part: Sales Finance Agency Act
- 2) Code Citation: 38 Ill. Adm. Code 160
- 3) Section Number: Adopted Action:
160.170 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 17, par. 5217
Ill. Rev. Stat. 1987, ch. 73, par. 767.53
- 5) Effective Date of Rulemaking: October 24, 1988
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No.
- 7) Does this Rulemaking Contain Incorporations by Reference? No.
- 8) Date Filed in Agency's Principal Office: September 15, 1988.
- 9) Notice of Proposal Published in Illinois Register:
April 15, 1988, 12 Ill. reg. 6899
- 10) Has JCAR Issued a Statement of Objection to this Rule? No.
- 11) Differences Between Proposal and Final Version: None.
- 12) Have all the Changes Agreed Upon by the Agency and JCAR Been Made as Indicated in the Agreement Letter Issued by JCAR? Yes.
- 13) Will this Rule Replace an Emergency Rule Currently in Effect? No.
- 14) Are there Any Amendments Pending on this Part? No.
- 15) Summary and Purpose of Amendment:
Amendment to Section 160.170 is proposed to allow Sales Finance Agency Act licensees to write joint accident and health insurance if both insureds are obligated for the loan. The present language is in conflict with the Illinois Insurance Code.
- 16) Information and Questions Regarding this Adopted Amendment Shall be Directed to:

DEPARTMENT OF FINANCIAL INSTITUTIONS

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Ben Schwarm
Dept. of Financial Institutions
421 E. Capitol, Room 205
Springfield, IL 62706
217/782-2831

the adopted amendment begins on the next page.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER 1: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 160
SALES FINANCE AGENCY ACT

Section
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Minimum Requirements for Office Records
Transaction Register
Individual Account Cards
File of Original Papers
Cash Book
Alphabetical Records of Buyers, Co-Purchasers and Obligors
Payments
Delinquency Charges (Default Charges)
Cancellation and Return of Documents
Extensions--Renewals--Rebates
Hypothecation of Security Instruments
Legal Forms
Judgements
Sale of Security
Trouble File
Lien Charges
Insurance
Office and Office Hours
Advertising
Business Source and Affiliates
Communications and Remittances
Credit Practices
General

AUTHORITY: Implementing and authorized by Section 8(9) of the Sales Finance Agency Act (Ill. Rev. Stat. 1987, ch. 17, par. 5217) and Section 155.53 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 767.53).

SOURCE: Filed September 21, 1970; amended at 5 Ill. Reg. 1358, effective February 3, 1981; codified at 7 Ill. Reg. 11728; amended at 9 Ill. Reg. 1370, effective January 17, 1985; amended 12 Ill. Reg. 17844, effective October 24, 1988.

Section 160.170 Insurance

- a) Credit Life, Health and Accident:
Licensees and Sellers, at their option, may provide, but not require, decreasing term credit life insurance and credit accident and health insurance and make a charge therefor to the buyer, providing the buyer has indicated in a specific dated and separately signed

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statement that the coverage is not required by seller and buyer desires the insurance coverage which if included as a charge or paid by the obligor, shall comply with Article IX-1/2 of the Illinois Insurance Code (Ill. Rev. Stat. ~~1981, ch. 73, par. 613~~ 1987, ch. 73, par. 767.51 et seq.), as approved and amended, and all lawful requirements of the Director of Insurance related thereto.

1) ~~Credit-accident-and-health-insurance-may-be-written-on-only-one obligor-on-an-accrual-if-effective-of-the-number-of-obligors on-the-obligation.~~ The licensee may provide joint credit life or joint credit accident and health insurance if both insured are obligated for the debt.

2) Charges and Rates

A) The maximum charge for credit life and credit accident and health insurance shall be as prescribed by the State of Illinois Department of Insurance (50 Ill. Adm. Code 951.50).
B) Each licensee shall deliver to the Department of Financial Institutions a schedule of the rates to be charged obligors, together with copies of policies to be issued, as approved by the Department of Insurance. The terms and conditions of the policies shall be both fair and reasonable.

3) When an account is prepaid in full (except by the insurance) the debtor must receive a refund of the credit life, health and accident insurance charges. The required refund shall be computed according to the Rule of 78 or the Sum of the Digits Method. When the refund of either credit life or accident and health premiums is less than \$1.00, no refund is required.

4) If the obligor dies during the term of the transaction, the life insurance, if any, shall pay the benefits due according to the terms of the policy. The obligors estate or next of kin shall be paid the amount due, if any, between the net unpaid balance and the insurance benefit paid.

5) The licensee shall keep in its office a separate record of accounts by the examiner. The account cards shall indicate the date of death and the refunds of finance charge and unearned insurance premiums paid to the next of kin or estate. The refund check or voucher number shall be available on demand.

b) Property Insurance:

1) Insurance against loss or damage to property, or liability arising out of ownership may be required of an obligor by the licensee.

2) The amount of insurance shall be only in the amount sufficient to cover the cash price of the item or items being financed.

c) General: All insurance provided by a licensee for a buyer must be issued by insurance companies licensed to do business in the State of Illinois and in full compliance with the applicable provisions of the Insurance Code and the Rules of the Department of Insurance.

- 1) No obligor shall be required to purchase any policy of insurance from any certain company, agent, broker or person as a condition precedent to the extension or renewal of an obligation.
- 2) Insurance for a period less than the full term may be agreed upon between the parties which agreement may be a part of the contract or separate instrument.
- 3) No licensee shall decline new or existing insurance which meets the standards set forth in the law, nor prevent any obligor from obtaining insurance coverage from other sources.
If such insurance is included in a transaction by the seller as agent, the licensee shall upon prepayment by the obligor notify the obligor and seller of the possibility of rebate due by reason of such prepayment and the amount of rebate so due.
- 4) It shall be the licensee's responsibility to explain clearly to the obligor the type; cost; benefits and limitations of any insurance requested by licensee after acquisition of the account.
- 5) The licensee shall also deliver or cause to be delivered to the obligor a copy of the policy, or policies, certificate, or other evidence thereof acquired by the licensee in connection with the indebtedness.
- d) Credit life and accident and health insurance provided by a licensee may be cancelled within 15 days of the date of the loan by written request of all parties to the obligation. In the event of such cancellation, the entire premium cost, if any, shall be refunded to the obligor(s) and such insurance shall then be void from its inception.

(Source: Amended at 12 Ill. Reg. 17844, effective October 24, 1988)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Adopted Action:

113.141 Amendment
113.143 Amendment
113.247 Amendment

4) Statutory Authority:

89 Ill. Adm. Code 113.141 and 113.143

Sections 3-1.2, 3-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 3-1.2, 3-5 and 12-13)

89 Ill. Adm. Code 113.247

Sections 5-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-2 and 12-13)

5) Effective Date of Amendments: October 25, 1988

6) Does this rulemaking contain an automatic repeal date?

Yes ☐ No ☒

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: October 25, 1988

9) Notices of Proposal Published in Illinois Register:

89 Ill. Adm. Code 113.141 and 113.143

August 12, 1988 (12 Ill. Reg. 12953)

89 Ill. Adm. Code 113.247

July 15, 1988 (12 Ill. Reg. 11674)

10) Has JCAR issued a Statement of Objections to these rules?
No

DEPARTMENT OF PUBLIC AID

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11) Differences between proposal and final version:

89 Ill. Adm. Code 113.141 and 113.143

Based on comments received from the Joint Committee on Administrative Rules, the following changes were made to the rules:

- 1) at line one of Section 113.141(a)(3), the phrase "(e.g., land buildings, equipment and supplies or tools)" is inserted after the word "Resources";
- 2) at line 13 of Section 113.141(a)(3), the phrase "(e.g., the medical prognosis is that the individual is expected to respond to treatment or drought resistance corn will be planted)" is inserted after the word "value";
- 3) at line 15 of Section 113.141(a)(3), the phrase "the exception is determined separately on each property" is deleted and the phrase "and each produces income, each is looked at to see if the 6% rule is met and then the amount of the individual's equity in all of those properties producing 6% are tallied to see if the total equity is \$6,000 or less." is inserted in lieu thereof;
- 4) at lines 15 and 16 of Section 113.43(b), the phrase "(e.g., an estimate from a disinterested knowledgeable source)" is deleted and the phrase "(e.g., by persons knowledgeable regarding property value, such as bankers or realtors)" is inserted in lieu thereof; and
- 5) at line one of Section 113.143(e), the word "is" is changed to "are"; and at line 4 of Section 113.143(e), the phrase "(see 20 CFR 416.1201 [C])" is inserted after the word "days".

Finally, based on comments received from the Administrative Code Division, the following changes were made to the rules:

- 1) in Section 113.141(d), the second level subsections are moved to the left 1/2 inch;
- 2) in Section 113.141(d)(2), at line 2 the following reference is inserted in front of the statutory

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citation: "Section 5-118 of the Mental Health and Developmental Disabilities Code,"; and

3) in Section 113.143(a)(1), the word "part" is deleted from the CFR citation.

89 Ill. Adm. Code 113.247

Based on comments received from the Administrative Code Division, the following changes were made to the rule:

- 1) in subsections (a) and (b), the table is indented;
- 2) in subsection (c)(1)(A), the fourth level subsections indent levels are corrected; and
- 3) and a heading is given to subsection (c)(1)(C) and its paragraphs are numbered accordingly.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?

89 Ill. Adm. Code 113.141 and 113.143 -- No
89 Ill. Adm. Code 113.247 -- Yes

14) Are there any amendments pending on this part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.130	Amendment	September 30, 1988 (12 Ill. Reg. 154757)
113.142	Amendment	October 7, 1988 (12 Ill. Reg. 15898)

15) Summary and Purpose of Amendments:

89 Ill. Adm. Code 113.141 and 113.143

This rulemaking places a \$6,000 limit on the equity value of exempt income producing property and requires exempt property to produce a net annual income of at least 6% of the equity

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value of the property. This change makes AABD policy on exempt income producing property the same as the federal government's policy for Supplemental Security Income (SSI).

This rulemaking also exempts the principal and income from a trust fund established under the Self Sufficiency Trust Fund Program when determining eligibility for and level of assistance.

Additionally, the last sentence in Section 113.143(b) is amended to reflect a change requested by the Joint Committee on Administrative Rules. Finally, this rulemaking updates several statutory references.

89 Ill. Adm. Code 113.247

This rulemaking implements Section 9119 of the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) by increasing the personal allowance to \$30.00 for an individual who resides in a medical care facility.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Counseling and Litigation
Illinois Department of Public Aid

Address: 100 South Grand Avenue East, 3rd Floor
Springfield, IL 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

113.1 Description of the Assistance Program

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

113.9 Client Cooperation

113.10 Citizenship

113.20 Residence

113.30 Age

113.40 Blind

113.50 Disabled

113.60 Living Arrangement

113.70 Institutional Status

113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

113.100 Unearned Income

113.101 Budgeting Unearned Income

113.102 Budgeting Unearned Income of Applicants Receiving

Income On Date of Application And/Or Date of Decision

113.103 Initial Receipt of Unearned Income

113.104 Termination of Unearned Income

113.105 Unearned Income In-Kind

113.106 Earmarked Income

113.107 Lump Sum Payments and Income Tax Refunds

113.111 Protected Income

113.112 Earned Income

113.113 Budgeting Earned Income

113.114 Budgeting Earned Income of Applicants Receiving Income

On Date of Application And/Or Date of Decision

113.115 Initial Employment

113.116 Budgeting Earned Income For Contractual Employees

113.117 Budgeting Earned Income For Non-contractual School

Employees

113.118 Termination of Employment

Section

113.120 Exempt Earned Income

113.122 Non-Exempt Unearned Income

113.125 Recognized Employment Expenses

113.130 Income From Work/Study/Training Programs

113.131 Earned Income From Self-Employment

113.132 Earned Income From Roomer and Boarder

113.133 Earned Income From Rental Property

113.134 Earned Income In-Kind

113.139 Payments from the Illinois Department of Children and

Family Services

113.140 Assets

113.141 Exempt Assets

113.142 Asset Disregard

113.143 Deferral of Consideration of Assets

113.154 Property Transfers

113.156 Court Ordered Child Support Payments of

Parent/Step-Parent

Assignment of Medical Support Rights

Section

113.245 Payment Levels for AABD

113.246 Personal Allowance

113.247 Personal Allowance Amounts

113.248 Shelter

113.249 Utilities and Heating Fuel

113.250 Laundry

113.251 Telephone

113.252 Transportation, Lunches, Special Fees

113.253 Allowances for Increase in SSI Benefits

113.254 Nursing Care or Personal Care in Home Not Subject to

Licensing

113.255 Sheltered Care in a Licensed Group Care Facility

113.256 Shopping Allowance

113.257 Special Allowances for Blind (Blind Only)

113.258 Home Delivered Meals

113.259 AABD Fuel and Utility Allowances By Area

113.260 Sheltered Care Rates

SUBPART E: OTHER PROVISIONS

Section

113.300 Persons Who May Be Included In the Assistance Unit

113.301 Grandfathered Cases

113.302 Interim Assistance

113.303 Special Needs Authorizations

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Section
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.320 Redetermination of Eligibility
 113.500 Attorney's Fees for SSI Appellants

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory

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amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill.

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Section 113.141 Exempt Assets (Cont'd.)

Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 11, 1988; amended at 12 Ill. Reg. 2137, effective January 22, 1988; amended at 12 Ill. Reg. 3497, effective March 15, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; amended at 12 Ill. Reg. 11828, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 113.141 Exempt Assets

a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:

- 1) Homestead property
- 2) Personal effects extraordinarily and household goods of reasonable value (reasonable value means the client's equity value in such property does not exceed \$2,000). Wedding and engagement rings and items required due to medical or physical condition.
- 3) Resources (e.g., land, buildings, equipment and supplies or tools) necessary for self-support up to \$6,000 of the individual's equity in the income producing property, provided the property

produces a net annual income of at least 6% of the excluded equity value of the property. The equity value in excess of \$6,000 is applied toward the asset disregard. If the activity produces income less than 6% of the exempt equity due to reasons beyond the individual's control (for example, the individual's illness or crop failure) and there is a reasonable expectation that the individual's activity will increase to produce income equal to 6% of the equity value e.g., the medical prognosis is that the individual is expected to respond to treatment or drought resistance corn will be planted), the property is exempt. If the individual owns more than one piece of property and each produces income, each is looked at to see if the 6% rule is met and then the amount of the individual's equity in all of those properties producing 6% are totalled to see if the total equity is \$6,000 or less.

4) Automobile

- A) exclude one automobile, regardless of value, used by the client, spouse, or other dependent if:
 - i) it is necessary for employment;
 - ii) it is necessary for the medical treatment of a specific or regular medical problem;
 - iii) it is modified for operation by or transportation of a handicapped person; or
 - iv) it is necessary because of factors such as climate, terrain or distance to provide necessary transportation to perform essential daily activities.
- B) if not excluded in subsection (a)(4)(A) above exclude one automobile to the extent the fair market value does not exceed \$4500. Apply the excess fair market value

Section 113.141

Exempt Assets (Cont'd.)

toward the asset disregard (see Section 113.142). The Department will determine fair market value in accordance with 89 Ill. Adm. Code 121.57(b)(2)(D)(iv).

C) for all other automobiles, apply the equity value (fair market value minus any encumbrance) toward the asset disregard (see Section 113.142).

5) Life insurance policies with a total face value of \$1,500 or less and all term life insurance policies. If total face value exceeds \$1,500, the cash surrender value must be counted as a resource.

b) Burial spaces and funds are exempt as follows:

1) Burial spaces which are intended for the use of the individual, his or her spouse, or any other member of his or her immediate family (i.e., immediate family is defined as an individual's minor and adult children, including adopted children and step-children, an individual's brothers, sisters, parents, adoptive parents, and the spouses of these individuals).

2) Funds set aside for the burial expenses of the individual and his or her spouse, subject to a limit of \$1,500 each. This limit will be reduced by the face value of any excluded life insurance policy and the amount of any funds held in an irrevocable trust or other irrevocable arrangement which are available for burial expenses.

3) Interest earned on excluded burial funds and appreciation in the value of excluded burial arrangements which occurred the earlier of the date of first SSI eligibility or the date of AABD eligibility, but no earlier than November 1, 1982 (see 20 CFR 416.1231(b)(5)(1984)(1987)).

Section 113.141

Exempt Assets (Cont'd.)

c) Assets necessary for fulfillment of an approved plan for achieving self support.

d) Trust funds are exempt as follows:

1) The principal of a trust fund only when the instrument establishing the trust specifically states the principal cannot be impaired.

2) The principal of a trust fund established under the Self Sufficiency Trust Fund Program (Section 5-118 of the Mental Health and Developmental Disabilities Code, Ill. Rev. Stat. 1987, ch. 91 1/2, par. 5-118).

e) Assets excluded by express provision of 20 CFR 416.1236(1984)(1987).

f) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (e.g., not available to the client or the responsible relative) over the donations or benefits or the disbursement of donations or benefits.

(Source: Amended at 12 Ill. Reg. 17849, effective October 25, 1988)

Section 113.143

Deferral of Consideration of Assets

a) If a client's non-exempt assets exceed the allowable disregards, consideration of the non-liquid assets shall be deferred if:

1) Total non-exempt liquid assets do not exceed three times the Supplemental Security Income payment level (see 20 CFR Part 416, Subpart D, 1987); and

2) The individual agrees in writing to:

A) dispose of real property within six months of the written agreement,

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Section 113.143 Deferral of Consideration of Assets (Cont'd.)

- B) dispose of other property within three months of the agreement,
- C) reimburse the Department for assistance paid to or in behalf of the client while the asset was deferred.

b) The six and three month time period for disposition may be extended an additional three months if the client fails to dispose of the asset, despite reasonable and diligent effort (e.g., advertising property for sale, completing necessary requests to facilitate liquidation of assets), because of circumstances beyond his/her control (e.g., third party delay). If the client is unable to dispose of the property the original value will be considered it unless verification of a lesser value is provided. It shall be considered an available asset in accordance with Section 113.140. The value considered shall be its current market value at the time of deferral unless verification of a lesser amount is provided (e.g., by persons knowledgeable regarding property value, such as bankers or realtors).

c) Upon disposition of the asset the client will reimburse the Department as follows:

- 1) consider the net proceeds
 - 2) deduct any amount necessary to raise the client resource level to the appropriate disregard at the time of deferral,
 - 3) the reimbursement is to be equal to the balance or the total assistance provided during the deferral period whichever is less.
- d) The net proceeds is the sale price less encumbrance and sale expenses, however if sold or otherwise transferred at less than the current market value consider the net proceeds as the current market value less sales cost and encumbrance.
- e) Non-liquid assets are ~~is these properties property~~ which are is not in the form of cash or other financial instruments, such as and cannot be converted

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Section 113.143 Deferral of Consideration of Assets (Cont'd.)

to cash within twenty (20) days. (see 20 CFR 416.1201(c)). Examples of assets that are usually non-liquid are personal property, licensed vehicles, unlicensed vehicles, buildings, land, ~~recreational properties~~ and any other property.

(Source: Amended at 12 Ill. Reg. 17849, effective October 25, 1988)

Section 113.247 Personal Allowance Amounts

The amount of the personal allowance, based on degree of activity, number eating together, and living arrangement, is as follows:

a) For an active recipient:

PERSONS EATING TOGETHER	FOOD	HOUSEHOLD CLOTHING	PERSONAL SUPPLIES	ESSENTIALS
1	\$38.68	\$8.77	\$2.56	\$12.42
2	\$35.47	\$8.77	\$2.04	\$10.97
3 thru 7	\$32.25	\$8.77	\$1.72	\$10.97
8 or more	\$31.70	\$8.77	\$1.47	\$10.97

b) For a bedfast recipient:

PERSONS EATING TOGETHER	FOOD	HOUSEHOLD CLOTHING	PERSONAL SUPPLIES	ESSENTIALS
1	\$35.91	\$4.24	\$2.56	\$5.40
2	\$32.91	\$4.24	\$2.04	\$4.79
3 thru 7	\$29.91	\$4.24	\$1.72	\$4.79
8 or more	\$29.46	\$4.24	\$1.47	\$4.79

c) For a long term group care recipient, the personal allowance is ~~\$25.00~~ \$30.00.

- 1) Food
- A) Therapeutic Diet Allowance

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Personal Allowance Amounts (Con'd)

Section 113.247

Section 113.247

Personal Allowance Amounts (Con'd)

A therapeutic diet allowance is allowed to supplement the regular food allowance when:

- i) The diet is prescribed by a physician; and
- ii) The food allowance is insufficient to purchase the prescribed diet.

B) Standard therapeutic diet allowances provided are:

TYPE OF DIET	AMOUNT
i) Ulcer (and other chronic conditions requiring a bland low residue diet).	\$ 5.95
ii) Diabetic - less than 1700 calories or more - adult.	\$ 7.92
iii) Diabetic - 1700 calories or more - adults.	\$17.82
iv) Diabetic - all children.	\$17.82
v) High-protein, High caloric, High-vitamin for recipients 13 years of age and over.	\$12.85
vi) High-protein, High caloric, High-vitamin for children 9 through 12 years.	\$ 7.91
vii) High-protein, High-caloric, High-vitamin for children 3 through 5 years.	\$ 9.02

C) Approval of Allowance

- i) Approval of an allowance in a different amount or when only a partial food allowance is authorized, or for a non-standard diet requires approval of

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Personal Allowance Amounts (Con'd)

Section 113.247

Section 113.247

Personal Allowance Amounts (Con'd)

the Department. Nonstandard diets are approved by the Bureau of Provider services on a case-by-case basis. The Bureau approves the additional allowance if, in the opinion of the dietitian, the diet requested is medically indicated for the recipient's condition. Information is provided on a standardized form, including the diagnosis and the type of diet requested; the form must be signed by a licensed physician. A dietitian consultant reviews the request by comparing the cost of the special foods requested with the cost of normal foods. The Bureau then determines whether to approve the additional allowance, rather than the diet itself.

- ii) In lieu of the food allowance, the following allowances are used in the specific situations indicated:

D) An allowance for meals in restaurants shall be allowed when a client: has no facilities for the preparation of food, or is unable to cook, and has no one who will prepare meals.

- i) The maximum allowance for three meals per day, seven days per week in a restaurant is \$102.63 monthly.
- ii) When fewer than three meals per day are required to be taken in restaurants, the total food allowance is to be adjusted on the following percentage basis:

Breakfast 20% Lunch 30% Dinner 50%

- E) Room and Board
- i) An allowance for Room and Board is issued in lieu of food, shelter and

Cook, DuPage, Kane, Lake

- ii) The actual cost of Room and Board not to exceed a maximum allowance of \$127.43 per month shall be provided in all other counties.

F) Home Delivered Meals

An allowance is to be provided for home delivered meals for clients who are confined to their homes because of illness or incapacity. A separate food allowance is made for the meals not provided by the service. Allowances provided are reflected in Section 113.257.

2) Clothing

- A) The clothing allowances covers the cost of replacing clothing items needed to protect health, maintain cleanliness and permit normal participation in community activities.
- B) The clothing allowance is increased by 20% for men requiring size 48 or larger, and women requiring size 46 (26 1/2) or larger. A man's size 48 refers to a size 48 suit. A woman's size 46 (26 1/2) refers to a 46 blouse size or a 26 1/2 dress size.

3) Household Supplies

- A) An allowance for household supplies covers the cost of cleaning supplies and the replacement of essential household items

such as minimum laundry equipment, linens, dishes and cooking utensils.

- B) This allowance is not provided for clients in room and board arrangements.

4) Personal Essentials

An allowance for personal essentials covers needs of hair care, essential toilet items, minor first-aid supplies, an occasional newspaper, limited public transportation and phone calls.

(Source: Amended at 12 Ill. Reg. 17849, effective October 25, 1988)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: Adopted Action:
120.335 Amendment
- 4) Statutory Authority: Sections 5-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-4 and 12-13)
- 5) Effective Date of Amendment: October 30, 1988
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 30, 1988
- 9) Notice of Proposal Published in Illinois Register: August 12, 1988 (12 Ill. Reg. 12964)
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version: Based on a comment received from the Joint Committee on Administrative Rules, at line two of subsection (a)(3), the spelling of the word "Section" is corrected.
Finally, based on a comment received from the Administrative Code Division, the phrase "Section 5-118 of the Mental Health and Developmental Disabilities Code," is inserted before the statutory citation in subsection (c)(9).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No
- 13) Will this amendments replace an Emergency Amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.10	Amendment	March 4, 1988 (12 Ill. Reg. 4463)
120.11	New Section	July 15, 1988 (12 Ill. Reg. 11676)
120.31	New Section	July 15, 1988 (12 Ill. Reg. 11676)
120.60	Amendment	July 15, 1988 (12 Ill. Reg. 11676)
120.60	Amendment	March 4, 1988 (12 Ill. Reg. 4463)
120.64	New Section	July 15, 1988 (12 Ill. Reg. 11676)
120.80	Amendment	July 8, 1988 (12 Ill. Reg. 11408)
120.380	Amendment	July 15, 1988 (12 Ill. Reg. 11676)
120.381	Amendment	July 15, 1988 (12 Ill. Reg. 11676)
120.382	Amendment	July 15, 1988 (12 Ill. Reg. 11676)
120.390	Amendment	July 15, 1988 (12 Ill. Reg. 11676)
120.391	Amendment	July 15, 1988 (12 Ill. Reg. 11676)
120.392	Amendment	July 15, 1988 (12 Ill. Reg. 11676)

- 15) Summary and Purpose of Amendment: This rulemaking provides: (1) that SSI income received by an individual in long term care who is in Section 1619 of the Social Security Act status in the month before admission to the

facility is exempt for the first full two (2) months of stay in the facility; and (2) for a MANG client (excluding long term care cases), the first \$25.00 of a client's earned or unearned income other than SSI income, or contributions from a spouse or other individual, is exempt from consideration in determining eligibility.

This rulemaking also places a \$6,000 limit on the equity value of exempt income producing property and requires exempt property to produce a net annual income of at least 6% of the equity value of the property. This change makes the Department's Aid to the Aged, Blind or Disabled policy on exempt income producing property the same as the federal government's policy for Supplemental Security Income (SSI).

Additionally, this rulemaking exempts the principal and income from a trust fund established under the Self Sufficiency Trust Fund Program when determining eligibility for and level of assistance. Finally, this rulemaking updates and corrects several statutory references.

16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney
Office of Counseling and Litigation
Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762
Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART B: ASSISTANCE STANDARDS

Section 120.10	Eligibility For Medical Assistance
120.20	MANG(AABD) Income Standard
120.30	MANG(C) Income Standard
120.40	Exceptions To Use Of MANG Income Standard
120.50	AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.60	All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, and DMHDD Approved Community Based Settings
120.61	Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and MANG(C)
120.62	Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63	Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section 120.70	Supplementary Medical Insurance Benefits, Buy-In Program
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SUBPART E: RECIPIENT UTILIZATION PROGRAM

Section 120.80	Recipient Utilization Review Program
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SUBPART F: MIGRANT MEDICAL PROGRAM

Section 120.90	Migrant Medical Program
120.91	Income Standards

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SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.208	Client Cooperation
120.210	Citizenship
120.211	Residence
120.212	Age
120.215	Relationship
120.216	Living Arrangement
120.217	Supplemental Payments
120.218	Institutional Status
120.224	Foster Care Program
120.225	Social Security Numbers
120.230	Unearned Income
120.235	Exempt Unearned Income
120.236	Education Benefits
120.240	Unearned Income In-Kind
120.245	Earned Income
120.250	Lump Sum Payments and Income Tax Refunds
120.255	Protected Income
120.260	Earned Income
120.261	Budgeting Earned Income
120.262	Exempt Earned Income
120.270	Recognized Employment Expenses
120.271	Income From Work/Study/Training Program
120.272	Earned Income From Self-Employment
120.273	Earned Income From Roomer and Boarder
120.275	Earned Income In-Kind
120.276	Payments from the Illinois Department of Children and Family Services
120.280	Assets
120.281	Exempt Assets
120.282	Asset Disregards
120.283	Deferral of Consideration of Assets
120.285	Property Transfers
120.290	Persons Who May Be Included in the Assistance Unit
120.295	Payment Levels for AMI

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled

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Section	
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Foster Care Program
120.325	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Court Ordered Child Support Payments of Parent/Step-Parent
120.345	Earned Income
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.385	Property Transfers
120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG

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Section
120.392

Pregnant Women Who Would Not Be Eligible For AFDC/APDC-MANG If The Child Were Already Born
120.395 Payment Levels for MANG
120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective

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October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective November 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 15, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903,

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NOTICE OF ADOPTED AMENDMENT

Section 120.335 Exempt Unearned Income (cont'd.)

facility is paying the premium for SMIB coverage, the cost of the premium shall be disregarded.

3) SSI income received by a long term care case who is in Section 1619 of the Social Security Act (42 U.S.C. 1382h) status (see 89 Ill. Adm. Code 140.8) in the month before admission to the facility is exempt for the first full two months of stay in the facility.

b) The following unearned income shall be exempt from consideration in determining MANG eligibility:

- 1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- 2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- 3) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- 4) Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 U.S.C. 1264);
- 5) Any benefits received under Title III, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3030e);
- 6) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program and the Foster Grandparent Program and Older Americans Community Service Programs established under Title II of the Domestic Volunteer Service Act, as amended;
- 7) Income in an amount not greater than \$650 received by a beneficiary of life insurance which is expended on the funeral and burial of an insured recipient;

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effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 3033, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 120.335 Exempt Unearned Income

a) MANG (AABD) (~~Excluding long-term-care~~)

- 1) The For a MANG client (excluding long term care), the first \$25.00 of a client's earned or unearned income other than SSI income, or contributions from a spouse or other individual, is exempt from consideration in determining eligibility for MANG. A client is eligible for only one \$25.00 exemption regardless of the types of sources of earned or unearned income.

- 2) If an individual in a group long term care

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Section 120.335 Exempt Unearned Income (cont'd.)

Section 120.335 Exempt Unearned Income (cont'd.)

- 8) Income received under the provisions of Section 4(c) of the Illinois Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (Ill. Rev. Stat. 1985 1987, ch. 67 1/2, par. 404 (c)). This includes both the benefits commonly known as the circuit breaker and "additional grants";
- 9) Payments to volunteers under the 1973 Domestic Volunteer Service Act. (48 U.S.C. 5044 (q)) These include:
 - A) Vista Volunteers;
 - B) Volunteers serving as senior health aids, senior companions, or foster grandparents;
 - C) Persons serving in the Service Corps of Retired Executives (SCORE) or the Active Corps of Executives (ACE); and
- 10) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act.
- c) The following additional unearned income shall be exempt:
 - 1) Social Security death benefit expended on a funeral and/or burial.
 - 2) The value of home produce which is used for personal consumption.
 - 3) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, (42 U.S.C. 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 U.S.C. See- 1760).
 - 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under Public Laws 92-254, 93-134 or 94-450 (25 U.S.C. 1407).

- 5) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1626).
- 6) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437 (f)).
- 7) The first \$50 of the total child support payments received each month on behalf of the assistance unit members. The amount of up to \$50 exempted is based on the total child support received in a month, regardless of the number of parents who contribute. Both court ordered and voluntary payments are considered when exempting the first \$50 of child support payments.
- 8) A Title IV-E adoption assistance payment or foster care payments received from a state welfare agency of another state.
- 9) Income from a trust fund established under the Self Sufficiency Trust Fund Program (Section 5-118 of the Mental Health and Developmental Disabilities Code, Ill. Rev. Stat. 1987, ch. 91 1/2, par. 5-118).

(Source: Amended at 12 Ill. Reg. 17867, effective October 30, 1988)

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NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Adopted Action:

140.101 Amendment
140.102 New Section
140.103 New Section
140.104 New Section

4) Statutory Authority: Sections 5-4 and 5-5 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-4 and 5-5)

5) Effective Date of Amendments: October 24, 1988

6) Does this rulemaking contain an automatic repeal date?

Yes X No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: October 24, 1988

9) Notices of Proposal Published in Illinois Register:

October 30, 1987 (11 Ill. Reg. 17392)

10) Has JCAR issued a Statement of Objections to this these

Yes X No

11) Difference(s) between proposal and final version: Based on comments received from various sources, the following changes were made to the rules:

1) In Section 140.102(b) is an unlabeled paragraph following a sentence in subsection (b) which ends with a colon. The unlabeled paragraph is labeled subsection "(b)(1)" and the other subsections are renumbered accordingly.

2) Section 140.102(b)(10) now renumbered 140.102(b)(11) is revised to read as follows:

Systematic disease considered likely to limit or preclude survival and rehabilitation after transplantation;

3) at line two of Sections 140.102(f)(3)(O) and 140.103(e)(2)(E), the word "network" is changed to "is a member of the Organ Procurement Transplantation Network and abides by its rules";

4) in Section 140.102(i), the reference to "(6) above" is changed to "(f)", Requirements for Provider Participation";

5) at line five of Section 140.102(j), the phrase "Illinois Department of Public Aid" is changed to "Department";

6) Section 140.103(b)(2) is revised to read as follows:

Chronic active hepatitis in patients who have almost no chance of survival beyond six months. Indications of progression to a terminal phase include rapidly deepening jaundice, diuretic resistant ascites, spontaneous hepatic encephalopathy, recurrent septicemia and repeated bleeding esophageal varices;

7) Section 140.103(b)(5) is revised to read as follows:

Primary sclerosing cholangitis when attempts at biliary tract diversion and dilation if appropriate have failed; and

8) Section 140.103(c)(6) is revised to read as follows:

Active systemic infection (because of the likelihood of exacerbation with initiation of immunosuppression) including HIV positive individuals.

9) Section 140.103(f) is revised to read as follows:

Provider certification procedures. A center wishing to be granted approval as a Department participating liver transplantation center must submit evidence that its liver transplantation program meets the criteria in Section 140.103(e) above. The request must be submitted to the Bureau of Hospital Services.

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- 10) Section 140.104(d)(2) is revised to read as follows:

Autogenous (autologous) bone marrow transplantations (within the same individual) are considered experimental or investigational and, therefore, excluded from coverage, except in Hodgkins and non-Hodgkins lymphoma.

- 11) New subsections 140.102(f)(4), 140.103(e)(3) and 140.104(a)(4) have been added and the new subsections read as follows:

Negative decisions on applications may be appealed to the Chief, Bureau of Hospital Services."

Finally, based on comments received from the Joint Committee on Administrative Rules, the following changes were made to the rules:

- 1) at line one of Section 140.102(a)(2), the word "which" is changed to "who";
- 2) at line one of Section 140.102(a)(3), the word "who" is inserted before the word "has";
- 3) in Section 140.103(a)(2)(1), the quotation marks around the phrase "on track" are deleted;
- 4) at line one of Section 140.102(j), a period is inserted after the word "Requirements";
- 5) at line one of Section 140.104(c), the term "HLA" is changed to "Histo-compatibility antigens (HLA)";
- 6) at line five of Section 140.101(b), the statutory citation "(see Ill. Rev. Stat. 1987, ch. 23, par. 12-4.20)" is inserted after the word "Committee";
- 7) in Section 140.101(b), the phrase "Except as provided in Sections 140.102 thru 140.104", is deleted;
- 8) at line five of Section 140.102, the phrase "or excellent" is deleted;
- 9) at line three of Section 140.102(a)(5), the phrase "(e.g., is able to participate in activities of daily living)" is inserted after the word "society";

- 10) line one of Section 140.102(a)(6) is rewritten to read: "who has immediate family members or close friends available to provide support and care during the post transplantation period.";

- 11) at lines four and five of Section 140.102(b)(1), the phrase "an adequately young physiologic age" is rewritten to read: "a physiologic age capable of withstanding postoperative complications";

- 12) at line four of Section 140.102(b)(2), the word "significantly" is deleted;

- 13) at line three of Section 140.102(b)(3), the word "HTLV" is changed to "Human Immunodeficiency Virus (HIV)";

- 14) Section 140.102(b)(13) is relabeled Section 140.102(e) and moved to the appropriate location in the rule;

- 15) at line five of Section 140.102(d), the word "and" is changed to "or". Additionally, the phrase "third level medical review" is rewritten to read "second medical opinion";

- 16) Former Sections 140.102(e) and (f) are relabeled Sections 140.102(f) and (g);

- 17) at line five of relabeled Section 140.102(f)(2), the phrase "can be" is changed to "is";

- 18) at line one of relabeled Section 140.102(g)(1), the word "Certification" is changed to "Approval"; at line two, the phrase "(IDPH)" is inserted after the word "Health"; and after the word "center", the statutory citation "(see Sections 1 thru 5 of the Experimental Organ Transplantation Procedures Act, Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 6601 thru 6605 and 77 Ill. Adm. Code 2800.101 thru 2800.501)" is added;

- 19) the language in relabeled Section 140.102(g)(2) is deleted and the language found at former Section 140.102(g) is inserted in lieu thereof;

- 20) relabeled Section 140.102(g)(3) is rewritten to read: "Transplant centers not approved by IDPH or Medicare

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- 31) at line five of Section 140.103, the phrase "or excellent" is deleted;
- 32) Section 140.103(a)(3) is rewritten to read: "are approaching the terminal phase of their illness (e.g., death is imminent or irreversible damage to the central nervous system is inevitable).";
- 33) at lines three and four of Section 140.103(c)(6), the word "HTLV" is changed to "HIV";
- 34) Section 140.103(e)(1) is rewritten to read: "Approval by IDPH as a liver transplant center.";
- 35) Section 140.103(e)(2) is rewritten to read: "Transplant centers not approved by IDPH may apply for approval for transplant procedures to the Department if they meet the following specific criteria:";
- 36) after the first sentence of Section 140.103(e)(2)(A) another sentence is added that reads as follows: "(A tertiary care facility is a hospital which can provide all medical care required by a patient.)";
- 37) at line one of Section 140.103(e)(2)(C), the phrase "solid organ" is changed to "liver";
- 38) at lines one and three of Section 140.103(e)(2)(D), the word "sufficient" is deleted; and at line six, after the word "areas" the following phrase is inserted: "to care for the projected size of the transplantation program";
- 39) at lines three and four of Section 140.103(g), the phrase "can be made at 60%" is rewritten to read: "will be limited to 60% of the";
- 40) at line five of Section 140.104, the phrase "or excellent" is deleted;
- 41) at line four of Section 140.104(a)(2)(B), the word "adequately" is deleted;
- 42) at line four of Section 140.104(a)(2)(C), the word "adequate" is deleted and at line five the two dashes are deleted and the phrase "as it develops," is inserted in lieu thereof;

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- may apply for approval for transplant procedures to the Department if they meet the following specific criteria:";
- 21) at line two of relabeled Section 140.102(g)(3)(B), the word "the" is inserted after the word "by"; at line three, the phrase "a significant" is deleted; and at line four, the word "and" is deleted and a comma is inserted in lieu thereof;
- 22) relabeled Section 140.102(g)(3)(H) is rewritten to read: "the commitment of the transplant center must be at all level as evidenced by such factors as financial resources, allocation of space and the support of the professional staff";
- 23) relabeled Section 140.102(g)(3)(I) is rewritten to read: "physician team members must be on track (i.e., pending or in preparation for board certification) or board certified";
- 24) relabeled Section 140.102(g)(3)(K) is rewritten to read: "The center has the necessary social service resources to allow for assignment to the organ transplant program";
- 25) at line two of relabeled Section 140.102(g)(3)(L), the word "transplant" is deleted;
- 26) at line two of relabeled Section 140.102(g)(3)(N), the phrase "to meet the patient and the hospital's needs" is inserted after the word "protocols";
- 27) relabeled Section 140.102(g)(3)(R) is rewritten to read: "The center must have blood bank support to meet the demands of the transplant center";
- 28) at line four of relabeled Section 140.102(g)(3)(S), the word "and" is inserted after the semi-colon;
- 29) at line four of Section 140.102(j), the word "significant" is deleted;
- 30) at lines four and five of Section 140.102(k), the phrase "can be made at 60%" is rewritten to read: "will be limited to 60% of the";

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- 43) at line one of Section 140.104(c), the term "HLA" is changed to "Histo-compatibility antigens (HLA)";
- 44) at line three of Section 140.104(e)(3), the term "HTLV" is changed to "HIV"; and
- 45) at lines three and four of Section 140.104(f), the phrase "can be made at 60%" is rewritten to read "will be limited to 60% of the".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an Emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.2	Amendment	July 15, 1988 (12 Ill. Reg. 11701)
140.3	Amendment	July 15, 1988 (12 Ill. Reg. 11701)
140.7	Amendment	July 15, 1988 (12 Ill. Reg. 11701)
140.9	Amendment	July 15, 1988 (12 Ill. Reg. 11701)
140.19	Amendment	August 12, 1988 (12 Ill. Reg. 12976)
140.100	Amendment	October 14, 1988 (12 Ill. Reg. 16738)
140.350	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.362	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.363	Amendment	April 1, 1988 (12 Ill. Reg. 5958)

Section Numbers	Proposed Action	Illinois Register Citation
140.364	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.367	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.369	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.370	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.372	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.373	Repealer	April 1, 1988 (12 Ill. Reg. 5958)
140.376	Repealer	April 1, 1988 (12 Ill. Reg. 5958)
140.400	Amendment	October 21, 1988 (12 Ill. Reg. 17172)
140.441	Amendment	October 21, 1988 (12 Ill. Reg. 17172)
140.443	Amendment	October 21, 1988 (12 Ill. Reg. 17172)
140.445	Amendment	October 21, 1988 (12 Ill. Reg. 17172)
140.447	Amendment	October 21, 1988 (12 Ill. Reg. 17172)
140.512	Amendment	July 22, 1988 (12 Ill. Reg. 11995)
140.525	Amendment	October 21, 1988 (12 Ill. Reg. 17172)
140.525	Amendment	June 3, 1988 (12 Ill. Reg. 9344)

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Section Numbers	Proposed Action	Illinois Register Citation
140.526	Amendment	June 3, 1988 (12 Ill. Reg. 9344)
140.529	Amendment	June 3, 1988 (12 Ill. Reg. 9344)
140.533	Amendment	May 27, 1988 (12 Ill. Reg. 8887)
140.535	Amendment	June 17, 1988 (12 Ill. Reg. 10348)
140.543	Amendment	June 17, 1988 (12 Ill. Reg. 10348)
140.560	Amendment	June 17, 1988 (12 Ill. Reg. 10348)
140.570	Amendment	June 17, 1988 (12 Ill. Reg. 10348)
140.582	Amendment	May 27, 1988 (12 Ill. Reg. 8887)
140.583	New Section	May 27, 1988 (12 Ill. Reg. 8887)
140.584	New Section	May 27, 1988 (12 Ill. Reg. 8887)
140.590	Amendment	June 17, 1988 (12 Ill. Reg. 10348)
140.896	New Section	July 15, 1988 (12 Ill. Reg. 11701)

15) Summary and Purpose of Amendments: With the advances of medicine, organ transplants are becoming more common as a method to save or prolong life. With these advances, the Department of Public Aid is faced with difficult choices as to when payments are to be made. Transplant procedures are quite expensive and the Department's resources are limited. However, the stakes of the patient in these cases are always high, the procedures many times being performed as the only alternative to death.

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The Department has attempted to deal with requests for organ transplants on a case by case basis. However, this has become increasingly difficult. Therefore, the Department decided to ask for guidance from the State Medical Advisory Committee in developing objective guidelines to the extent it was possible for these procedures.

The State Medical Advisory Committee designated a Subcommittee which developed guidelines for heart transplants, liver transplants and bone marrow transplants. (No prior approval is required at this time for kidney transplants or cornea transplants. Other organ transplants are not included at this time as they are not common enough to warrant guidelines). The State Medical Advisory Committee accepted the recommendations of the Subcommittee with only minor changes.

The Subcommittee reviewed guidelines used by (1) Medicare; (2) Civilian Health and Medical Program of the Uniformed Services (Champus); (3) the National Institute of Health; (4) the Mayo Clinic; (5) the Illinois Department of Public Health under the Experimental Organ Transplant Program; and (6) the Department of Public Aid's current rules. The final recommendations were also presented to the Third Party Processes Committee of the Illinois State Medical Society, which suggested only minor modifications.

While many of these criteria have been utilized in individual cases in the past, the following significant changes are proposed to the methodology used in the past:

1. Far greater use of "transplantation centers" which will have to meet certain objective criteria to qualify. The centers will be expected to evaluate a client to determine the client is a good candidate for transplantation before submission of requests for prior approval.
2. Specific criteria for each kind of transplant. Included in the criteria are both specific indicators that a client is a good candidate for transplantation, as well as contraindications or adverse factors.

The Department believes that these criteria are a significant improvement in the way it approaches the difficult area of organ transplants. The Department and

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

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MEDICAL PAYMENT

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Under Age 18 Not Eligible for AFDC and Pregnant Women
Who Would Be Eligible if the Child Were Born
Covered Medical Services Under AFDC-MANG for
non-pregnant persons who are 18 years of age or older
(Repealed)

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Covered Medical Services Under GA and AMI
Medical Services Not Covered

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Medical Assistance Provided to Individuals Under the
Age of Eighteen Who Do Not Qualify for AFDC

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Medical Assistance For Qualified Severely Impaired
Individuals

140.7

Medical Assistance for a Pregnant Woman Who Would Not
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Enrollment Conditions for Medical Providers
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Definitions
Denial of Application to Participate in the Medical
Assistance Program

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Recovery of Money

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Termination of a Vendor's Eligibility to Participate
in the Medical Assistance Program

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Suspension of a Vendor's Eligibility to Participate in
the Medical Assistance Program

140.18

Effect of Termination on Individuals Associated with
Vendor

140.19

Application to Participate or for Reinstatement
Subsequent to Termination, Suspension or Barring

140.20

Submittal of Claims

the State Medical Advisory Committee intend to continue to
monitor and review this area, modifying these guidelines as
medical advances are made. Such modifications would
include changes to existing criteria as well as the
addition of guidelines for other organ transplants.

It is not anticipated that these guidelines will result in
any significant increase in expenditures at this time.
These are not being proposed as a cost savings measure but
as an attempt to move away from decisions on these cases
being made on a case by case basis.

16) Information and questions regarding these Adopted
Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Counseling and Litigation

Address: Illinois Department of Public Aid
Jesse B. Harris II, 3rd Floor
100 South Grand Avenue, East
Springfield, IL 62762

Telephone: 217/782-1233

The full text of the Adopted Amendments begin on the next page:

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140.367 Inflation Adjustment
140.368 Volume Adjustment (Repealed)
140.369 Groupings
140.370 Rate Calculation
140.371 Payment
140.372 Review Procedure
140.373 Utilization
140.374 Alternatives
140.375 Exemptions
140.376 Utilization, Case-Mix and Discretionary Funds
140.390 Subacute Alcoholism and Substance Abuse Services
140.391 Definitions
140.392 Types of Subacute Alcoholism and Substance Abuse Services
140.394 Payment for Subacute Alcoholism and Substance Abuse Services
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140.400 Payment to Practitioners and Laboratories
140.410 Physicians' Services
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140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
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140.421 Limitations on Dental Services
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SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. III 1/2, par. 3503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)	
SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 5, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7	

Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; emergency amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 254, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective May 9, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; emergency amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; emergency amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; emergency amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 8677, effective April 19, 1985; amended at 9 Ill. Reg. 9564, effective May 28, 1985; amended at 9 Ill. Reg. 10025, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737,

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effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 5, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 13808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960 effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916 recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.207 thru 147.210; Table A at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12

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Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 140.101 Transplants

a) Hospital services rendered for transplant procedures under Section 140.101(b) are exempt from the provisions of Section 140.360 through 140.376 of the Department's rules governing hospital reimbursement. Hospital reimbursement for transplants approved pursuant to Section 140.101(b) or Sections 140.102 thru 140.104 will be negotiated between the Department and the hospital with the maximum payment limited to 60% of the hospital's usual and customary charges to the general public for the same procedure. All negotiated rates must be finalized prior to the occurrence of the transplant procedure. The negotiated rate will include all work-up, hospitalization costs, and thirty days of follow-up care. The negotiated rate will not include transportation and physician fees when reimbursed pursuant to Sections 140.410 through 140.414 and Sections 140.490 through 140.492 respectively.

b) Department approval of the medical necessity and appropriateness of transplant procedures is granted on a case-by-case prior approval basis by the Department's physician consultants in conjunction with the State Medical Advisory Committee (see Ill. Reg. Stat. 1987, ch. 23, par. 12-4.20) within thirty days of the request for prior approval. (See part 140 Table B). Transplant procedures will not be approved if:

- 1) the procedure is specified as experimental by the National Institutes of Health classified as experimental at this time by the State Medical Advisory Committee based upon current reports

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Section 140.101 Transplants (cont'd.)

from the National Institute of Health, the Illinois Department of Public Health's Experimental Organ Transplantation Procedures Board, the American Medical Association's Council on Scientific Affairs, as well as current scientific literature;

- 2) another procedure costing less or of less risk will achieve the same result;
- 3) the transplant does not make a difference in the patient's health and performing the transplant will merely serve an academic purpose; or
- 4) the transplant is relatively unsafe given the age and prognosis of the individual.

(Source: Amended at 12 Ill. Reg. 17879 effective October 24, 1983)

Section 140.102 Heart Transplants

Application for prior approval of a heart transplant should originate from a transplantation center recognized by the Department as a "participating" center; should be submitted only after patient evaluation and a decision by the transplant "team" that patient is a "good" candidate for transplantation.

- a) Criteria for coverage. Services and supplies related to cardiac transplantation will be covered for a beneficiary:

- 1) who has an end-stage cardiac disease in irreversible heart failure;
- 2) who has not responded to or no longer responds to other appropriate medical and surgical therapies which might be expected to yield both short and long-term survival (e.g., 3-5 years) comparable to that of heart transplantation;
- 3) who has a very poor prognosis as a result of poor cardiac functional status (e.g., less than a 25 percent likelihood of survival for six months);

NOTICE OF ADOPTED AMENDMENTS

Section 140.102 Heart Transplants (cont'd.)

- 4) for whom plans for long-term adherence to a disciplined medical regimen are feasible and realistic;

- 5) who has rehabilitation potential with the probability of becoming an active member of society (e.g., is able to participate in activities of daily living); and

- 6) who has immediate family members or close friends available to provide support and care during the post transplant period.

- b) Strongly adverse factors include the following conditions:

- 1) Advancing age (because of diminished capacity to withstand postoperative complications). The selection of any patients for transplantation must be done with particular care to ensure a physiologic age capable of withstanding postoperative complications and the absence or insignificance of any coexisting disease as certified by the center.

- 2) History of a behavior pattern such as chemical dependency, alcoholism, drug dependency, or psychiatric illness considered likely to interfere with compliance with a disciplined medical regimen (because a lifelong medical regimen is necessary, requiring multiple drugs several times a day, with serious consequences in the event of their interruption or excessive consumption);

- 3) Severe pulmonary hypertension (because of the limited work capacity of the typical donor right ventricle). A pulmonary vascular resistance above 5 Wood units or pulmonary artery systolic pressure over 65 mm Hg is considered to be severe pulmonary hypertension;

- 4) Renal or hepatic dysfunction not explained by the underlying heart failure and not deemed reversible (because of the nephrotoxicity and hepatotoxicity of cyclosporin);

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Section 140.102 Heart Transplants (cont'd.)

- 5) Acute severe hemodynamic compromise prior to-transplantation if accompanied by compromise or failure of a vital end-organ (because of a substantially less favorable prognosis for survival than for the average transplant recipient);
 - 6) Symptomatic peripheral or cerebrovascular disease (because of accelerated progression in some patients after cardiac transplantation and chronic corticosteroid treatment);
 - 7) Chronic obstructive pulmonary disease or chronic bronchitis (because of poor postoperative course and likelihood of exacerbation of infection with immunosuppression);
 - 8) Active systemic infection (because of the likelihood of exacerbation with initiation of immunosuppression) including Human Immunodeficiency Virus (HIV) positive individuals;
 - 9) Recent and unresolved pulmonary infarction or pulmonary roentgenographic evidence of infection or of abnormalities of unclear etiology (because of the likelihood that this represents pulmonary infection);
 - 10) Systemic hypertension, either at transplantation or prior to development of end-stage cardiac disease, that requires multi-drug therapy for even moderate control (multi-drugs to bring diastolic pressure below 105 mm Hg);
 - 11) Systemic disease considered likely to limit or preclude survival and rehabilitation after transplantation;
 - 12) Cachexia, even in the absence of major end-organ failure (because of the significantly less favorable survival of such patients); and
- c) Other factors given less adverse weight but still considered as importantly adverse include:

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Section 140.102 Heart Transplants (cont'd.)

- 1) Insulin-requiring diabetes mellitus (because the diabetes is often accompanied by occult vascular disease and because the diabetes and its complications are exacerbated by chronic corticosteroid therapy);
 - 2) Asymptomatic severe peripheral or cerebrovascular disease (because of accelerated progression in some patients after cardiac transplantation and chronic corticosteroid treatment);
 - 3) Peptic ulcer disease (because of the likelihood of early postoperative exacerbation);
 - 4) Current or recent history of diverticulitis (considered as a source of active infection which may be exacerbated with the initiation of immunosuppressant therapy); and
 - 5) Previous life threatening malignancy unless no clinical evidence of disease for five years.
- d) Even though the beneficiary may meet the general criteria for a heart transplant as listed in subsection (a), such a transplant is contraindicated when any of the adverse factors listed in subsections (b) or (c) above are present. Although cases in these groups will not be categorically denied, a second medical opinion by a cardiologist or cardiothoracic surgeon must be conducted to ascertain that the transplant is medically appropriate in view of the circumstances.
- e) The donor heart should be appropriate for that particular recipient. The use of a donor heart, the long term effectiveness of which might be compromised by such actions as the use of substantial vasopressors prior to its removal from the donor, its prolonged or compromised maintenance between the time of its removal from the donor and its implantation into the patient, or pre-existing disease.
- f) Covered Services for Medicaid Recipients
- 1) Medically necessary services, including inpatient

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Section 140.102

Heart Transplants (cont'd.)

admission, required to assess a patient's suitability for heart transplantation;

- 2) Medically necessary services required, including management of complications, of the heart transplantation. Failure of the transplant is considered a complication and retransplantation is covered; and

- 3) Immunosuppressive therapy.

g) Requirements for Provider Participation

- 1) Approval by the Illinois Department of Public Health (IDPH) as a heart transplant center (see Sections 1 thru 5 of the Experimental Organ Transplantation Procedures Act, Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 6601 thru 6605 and 77 Ill. Adm. Code 2800.101 thru 2800.501).

- 2) Approval of heart transplant centers may also be granted based upon Medicare certification as an authorized heart transplant center.

- 3) Transplant centers not approved by IDPH or Medicare may apply for approval for transplant procedures to the Department if they meet the following specific criteria:

- A) The center has experts in the fields of cardiology, cardiovascular surgery, anesthesiology, immunology, infectious disease, nursing, social services, and organ procurement to complement the transplant team;
- B) The center has an active cardiovascular medical and surgical program as evidenced by the number of cardiac catheterizations, coronary arteriograms and open heart procedures per year;
- C) The center has an anesthesia team that is available at all times;

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Section 140.102

Heart Transplants (cont'd.)

The center has infectious disease services with both the professional skills and the laboratory resources that are needed to discover, identify and manage a whole range of organisms;

- D) The center has a nursing service team train in the hemodynamic support of the patient and also in the special problems of managing immunosuppressed patients;

- E) The center has pathology resources that are available for studying and reporting the pathological responses to transplantation;

- F) The center has legal counsel familiar with transplantation and regulations;

- G) The commitment of the transplant center must be at all levels as evidenced by such factors as financial resources, allocation of space and the support of the professional staff;

- H) Physician team members must be on track (i.e., pending or in preparation for board certification) or board certified;

- I) Component teams must be integrated into a comprehensive transplant team with clearly defined leadership and responsibility;

- J) The center has the necessary social service resources to allow for assignment to the organ transplant program;

- K) The transplant center must comply with applicable State laws and regulations;

- L) The transplant center must safeguard the rights and privacy of patients;

- M) The transplant center must have adequate patient management plans and protocols to meet the patient and hospital's needs;

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Section 140.102

Heart Transplants (cont'd.)

- O) The center participates in a donor procurement program and is a member of the Organ Procurement Transplantation Network and abides by its rules;
- P) The center systematically collects and shares data on its transplant program;
- Q) The center has an interdisciplinary body to determine the suitability of candidates for transplantation on an equitable basis;
- R) The center must have blood bank support to meet the demands of the transplant center;
- S) Experience. The center has performed six or more cardiac transplants in each of the two consecutive preceding 12-month periods prior to application and 12 prior to that; and
- T) Survival Rates. The center demonstrates actuarial survival rates of 50 percent for two years for patients and rehabilitation to level of participation in former work and activities in more than 30% who have had heart transplants since January 1, 1982, at that facility.
- 4) Negative decisions on applications may be appealed to the Chief, Bureau of Hospital Services.
- h) Participation approval will lapse if either the number of heart transplants falls below six in 12 months or if the one-year survival rate falls below 60 percent based on a consecutive 24-month period.
- i) Provider Participation Procedures. A heart transplant center wishing to be granted approval as a Medicaid approved heart transplantation center, must submit evidence that its heart transplantation program meets the criteria in subsection (f). Requirements for Provider Participation. The request must be submitted to the Bureau of Hospital Services.

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Section 140.102 Heart Transplants (cont'd.)

- j) Administrative Provider Requirements. The transplant program must provide a written statement agreeing to the following:
- The heart transplant center shall notify the Department of any decrease in the experience level or survival rates and loss of any key members of the transplant team.
- k) Reimbursement. Will be as stated in the facility's Illinois Competitive Access and Reimbursement Equity (ICARE) contract or if an approved facility does not have an ICARE contract, reimbursement will be limited to 60% of the usual and customary charges to the general public for the same procedure. All negotiated rates must be finalized prior to the occurrence of the transplant procedure.
- (Source: Added at 12 Ill. Reg. 17879, effective October 24, 1988)
- Section 140.103 Liver Transplants
- Application for prior approval of a liver transplant should originate from a transplantation center recognized by the Department as a "participating" center; should be submitted only after patient evaluation and a decision by the transplant "team" that patient is a "good" candidate for transplantation.
- a) Criteria for Coverage. Services and supplies related to liver transplantation will be covered for recipients who:
- 1) are suffering irreversible end stage liver failure that cannot be managed by conservative measures;
 - 2) have exhausted alternative medical and surgical treatments; and
 - 3) are approaching the terminal phase of their illness (e.g., death is imminent or irreversible damage to the central nervous system is inevitable).

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Section 140.103 Liver Transplants (cont'd.)

b) Medical indications for liver transplantation:

- 1) Biliary atresia;
- 2) Chronic active hepatitis in patients who have almost no chance of survival beyond six months. Indications of progression to a terminal phase include rapidly deepening jaundice, diuretic resistant ascites, spontaneous hepatic encephalopathy, recurrent septicemia and repeated bleeding esophageal varices;

- 3) Primary biliary cirrhosis in the final stages of liver failure;

- 4) Certain inborn errors of metabolism which have caused end-stage liver damage or irreversible extrahepatic complications, including alpha1 antitrypsin deficiency in children with Pi Zz phenotype and adults with phenotype Pi Zz, Mz, or Sz where evidence of hepatic failure is present; Wilson's disease unresponsive to chelation therapy with penicillamine; Crigler-Najjar syndrome, Type I; tyrosinemia; Byler's disease; Wolman's disease; glycogen storage disease, types O and IV; and certain genetic diseases associated with severe neurological complications, such as hereditary deficiency of urea cycle enzymes and disorders of lactate/pyruvate or amino acid metabolism;

- 5) Hepatic vein thrombosis (Budd-Chiari syndrome) in patients with severe hepatic decompensation, who have not responded to anticoagulation or appropriate surgery for portal decompression;

- 6) Primary sclerosing cholangitis when attempts at biliary tract diversion and dilation if appropriate have failed; and

- 7) Primary hepatic malignancy confined to the liver but not amenable to resection.

c) Contraindications

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Section 140.103 Liver Transplants (cont'd.)

- 1) History of a behavior pattern such as chemical dependency, alcoholism or drug dependency or psychiatric illness considered likely to interfere significantly with compliance with a disciplined medical regimen;

- 2) Malignancies metastasized to or extending beyond the margin of the liver;

- 3) Viral-induced liver disease when viremia is still present;

- 4) Alcoholic liver disease in patients who develop evidence of progressive liver failure despite appropriate medical treatment and cessation of alcohol abuse; or

- 5) A previous life threatening malignancy unless no clinical evidence of disease for five years.

- 6) Active systemic infection (because of the likelihood of exacerbation with initiation of immunosuppression) including HIV positive individuals.

- d) Covered Services for Medicaid Recipients. The following services are covered when provided in relation to liver transplantation:

- 1) Medically necessary services, including inpatient admission, required to assess a patient's suitability for liver transplantation;

- 2) All medically necessary services required including management of complications of the liver transplantation, including late infection and rejection episodes. Failure of the transplant is considered a complication and retransplantation is covered; and

- 3) Immunosuppressive therapy.

- e) Requirements for Provider Participation. The transplant center must meet the following requirements:

- 1) Approval by IDPH as a liver transplant center.

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Section 140.103

Liver Transplants (cont'd.)

2) Transplant centers not approved by IDPH may apply for approval for transplant procedures to the Department if they meet the following specific criteria:

- A) The center is a tertiary care facility affiliated with an academic health center. (A tertiary care facility is a hospital which can provide all medical care required by a patient.) The center has accredited programs in graduate medical education related to the function of liver transplantation such as internal medicine, pediatrics, surgery, and anesthesiology;
- B) The center has at least a 50 percent one-year survival rate for ten cases. At the time participation is requested, the transplant center must have performed at least ten liver transplants and at least 50 percent of the transplanted patients have survived one year following surgery. The 50 percent one-year survival rate for all subsequent liver transplantations performed is to be maintained for continued participation;
- C) The center has an active liver transplantation program;
- D) The center has allocated operating room, recovery room, laboratory, and blood bank support and a number of intensive care and general surgical beds and specialized staff for these areas to care for the projected size of the transplantation program;
- E) The center participates in a donor procurement program and is a member of the Organ Procurement Transplantation Network and abides by its rules;
- F) The center systematically collects and shares data on its transplant program;

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Section 140.103

Liver Transplants (cont'd.)

- G) The center has an interdisciplinary body to determine the suitability of candidates for transplantation on an equitable basis;
 - H) The transplantation surgeon is specifically trained for liver grafting and must assemble and train a team to function whenever a donor liver is available;
 - I) The transplantation center has on staff on track or board certified physicians and other experts in the fields of hepatology, pediatrics, infectious disease, nephrology with dialysis capability, pulmonary medicine with respiratory therapy support, pathology, immunology, and anesthesiology to complement a qualified transplant team;
 - J) The transplantation center has the assistance of appropriate microbiology, clinical chemistry, and radiology support;
 - K) The transplantation center has blood bank support to accommodate normal demands and the transplant procedure;
 - L) The transplantation center includes the availability of psychiatric and social services support for patients and family; and
 - M) The transplantation center otherwise meets the requirements for participation by the Department.
- 3) Negative decisions on applications may be appealed to the Chief, Bureau of Hospital Services.
- f) Provider certification procedures. A center wishing to be granted approval as a Department participating liver transplantation center must submit evidence that its liver transplantation program meets the criteria in subsection (e) above. The request must be submitted to the Bureau of Hospital Services.

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Section 140.103 Liver Transplants (cont'd.)

- g) Reimbursement. Will be as stated in the facility's ICARE contract or if an approved facility does not have an ICARE contract, reimbursement will be limited to 60% of the usual and customary charges to the general public for the same procedure. All negotiated rates must be finalized prior to the occurrence of the transplant procedure.

(Source: Added at 12 Ill. Reg. 17879, effective October 24, 1988)

Section 140.104 Bone Marrow Transplants

Application for prior approval of a bone marrow transplant should originate from a transplantation center recognized by the Department as a "participating" center; should be submitted only after patient evaluation and a decision by the transplant team that patient is a "good" candidate for transplantation.

a) Criteria for Participation

Bone marrow transplantation centers wishing to participate will submit to the Department an application signed by the Chief Medical Officer and the head of the transplant team certifying that the following criteria are met:

- 1) Careful and appropriate patient selection -- Facility must have written criteria for candidate selection and an implementation plan for their application.
- 2) Patient management -- Facility must have the expertise and commitment for full active participation in the medical, immunological, infectious and pulmonary disease, surgical and anesthesia aspects of the program.
- A) The "transplant team", for patient selection and protocol information for the acute and long term management of patients, should be selected from the above professional groups and must be formally organized for the above purposes. It is from this team that an application for prior approval should

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Section 140.104

Bone Marrow Transplants (cont'd.)

originate to be transmitted to the Illinois Department of Public Aid.

- B) The facility must have designated professional staff from radiology, pathology, psychiatry, nursing and social services to meet their responsibilities under the Transplant Program. Members of this group also may serve on the transplant team.
- C) The commitment of the facility to the Transplant Program must be evident at all levels as well as broadly throughout the facility. This includes building space and equipment needed for the program as it develops, pre-transplant care, donor and patient, surgical procedures and immediate as well as long term post-transplant stages of the program.
- D) The facility must demonstrate experience and success with the clinical transplantation. For recognition as a participating center under the Department, there must be documented at least six such transplantations in the preceding 24 months with actual two year survival rates of 50 percent or more and rehabilitation to level of participation in former work and activities in more than 30 percent.
- E) There must be agreement by the facility to maintain and, when requested, periodically submit summary data, in standard format, about patient selection, and short and long term outcome on all patients, not only those for whom the Department is paying.
- 3) Applications will be considered by the Department's physician consultants and the State Medical Advisory Committee.
- 4) Negative decisions on applications may be appealed to the Chief, Bureau of Hospital Services.

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Section 140.104 Bone Marrow Transplants (cont'd.)

b) Description

Allogenic bone marrow transplantation is the aspiration of marrow from a donor and intravenous infusion of the marrow into a recipient.

c) Policy

Allogenic Histo-compatibility antigens (HLA) matching bone marrow transplantation is an authorized therapeutic measure for treatment of the following:

- 1) Aplastic anemia.
- 2) Leukemia in remission.
- 3) Severe combined immunodeficiency, e.g., adenosine deaminase deficiency and idiopathic deficiencies.
- 4) Wiskott-Aldrich syndrome.
- 5) Infantile malignant osteopetrosis (Albers-Schonberg syndrome or marble bone disease).
- 6) Hodgkins and non-Hodgkins Lymphoma.

d) Exceptions

- 1) Conditions for which allogenic bone marrow transplantation is not yet proven therapeutic and are not covered are:

- A) Thalassemia and other genetic disorders.
- B) Sickle cell anemia and other abnormal hemoglobin states.
- C) Polycythemia vera.
- D) Neuroblastoma.

- 2) Autogenous (autologous) bone marrow transplantations (within the same individual) are considered experimental or investigational and,

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Section 140.104 Bone Marrow Transplants (cont'd.)

therefore, excluded from coverage, except in Hodgkins and non-Hodgkins Lymphoma.

e) Contraindications

- 1) History of a behavior pattern such as chemical dependency, alcoholism or drug dependency or psychiatric illness considered likely to interfere significantly with compliance with a disciplined medical regimen.
- 2) Chronic obstructive pulmonary disease or chronic bronchitis (because of poor postoperative course and likelihood of exacerbation of infection with immunosuppression);
- 3) Active systemic infection (because of the likelihood of exacerbation with initiation of immunosuppression) including HIV positive individuals;
- 4) Recent and unresolved pulmonary infarction or pulmonary roentgenographic evidence of infection or of abnormalities of unclear etiology (because of the likelihood that this represents pulmonary infection);
- 5) Systemic hypertension, either at transplantation or prior to development of end-stage cardiac disease, that requires multi-drug therapy for even moderate control (multidrugs to bring diastolic pressure below 105 mm Hg);
- 6) Diabetes and other systemic disease considered likely to limit or preclude survival and rehabilitation after transplantation; and
- 7) Cachexia, even in the absence of major end-organ failure (because of the significantly less favorable survival of such patients).
- f) Reimbursement. Will be as stated in the facility's ICARE contract or if an approved facility does not have an ICARE contract, reimbursement will be limited to 60% of the usual and customary charges to the general public for the same procedure. All negotiated

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Section 140.104 Bone Marrow Transplants (cont'd.)

rates must be finalized prior to the occurrence of the transplant procedure.

(Source: Added at 12 Ill. Reg. 17879, effective October 24, 1988)

1) Heading of the Part: Food Service Sanitation

2) Code Citation: 77 Ill. Adm. Code 750

3) Section Number: Adopted Action:

750.1100

Amendment

4) Statutory Authority:

AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 67 et seq.)

The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et seq.)

5) Effective Date of Rules: December 1, 1988

6) Does this Rulemaking Contain an Automatic Repeal Date? No.

7) Does this Rulemaking Contain Any Incorporations by Reference? No.

8) Date Filed in Agency's Principal Office: December 1, 1988.

9) Date Notice of Proposal was Published in Illinois Register:

February 5, 1988 12 Ill. Reg. 3300

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No.

11) Difference Between Proposal and Final Version:

There are no differences between the proposal and final version.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

No changes were agreed upon by the Department and the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No.

14) Are there any other Amendments Pending on this Part? Yes.

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Section Numbers	Proposed Action	Ill. Reg. Citation
750.10	Amendment	12 Ill. Reg. 14113
750.140	Amendment	12 Ill. Reg. 14113

15) Summary and Purpose of Rules:

Various changes to Part 750 (Food Service Sanitation) were adopted, effective January 1, 1988, appearing in the November 13, 1987 issue of the Illinois Register. In discussion with staff members of the Joint Committee on the Administrative Rules, the Department agreed to rewrite the second to the last sentence in Section 750.1100(a) to read: "All indirectly connected fixtures shall discharge to a vented trap located in the same room in compliance with 77 Ill. Adm. Code 890.1410(a)." However, the adopted version inadvertently read: "All indirectly connected fixtures shall discharge to a vented trap located as close as possible to the fixture and in the same room in compliance with 77 Ill. Adm. Code 890.1410(a)." This rulemaking removes the phrase "as close as possible to the fixture and," from the referenced Section of this Part.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson Street, Second Floor, Springfield, Illinois 62761, 217/782-5187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 750

FOOD SERVICE SANITATION

SUBPART A: GENERAL PROVISIONS

SECTION
750.5 Incorporated Materials
750.10 Definitions

SUBPART B: FOOD SUPPLIES

SECTION
750.100 General Requirements
750.110 Special - Food Protection
750.120 General - Food Storage
750.130 General - Food Storage
750.140 Refrigerated Storage
750.150 Hot Storage
750.155 Damaged Food Containers
750.160 General - Food Preparation
750.170 Raw Fruits and Raw Vegetables
750.180 Cooking Potentially Hazardous Foods
750.190 Dry Milk and Dry Milk Products
750.200 Liquid, Frozen, Dry Eggs and Egg Products
750.210 Reheating
750.220 Nondairy Products
750.230 Product Thermometers
750.240 Thawing Potentially Hazardous Foods
750.250 Food Display and Service of Potentially Hazardous Food
750.260 Display Equipment
750.270 Reuse of Tableware
750.280 Dispensing Utensils
750.290 Ice Dispensing
750.300 Condiment Dispensing
750.310 Milk and Cream Dispensing
750.320 Re-Service
750.330 General - Food Transportation

SUBPART C: PERSONNEL

SECTION
750.500 General - Employee Health
750.510 General - Personal Cleanliness
750.520 General - Clothing

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750.530 General - Employee Practices
 750.540 Management Sanitation Training and Certification
 750.550 Management Sanitation Certification Examination
 750.560 Certificate Revocation or Suspension

SUBPART D: EQUIPMENT AND UTENSILS

SECTION

750.600 General - Materials
 750.610 Solder
 750.620 Wood
 750.630 Plastics
 750.640 Mollusk and Crustacea Shells
 750.650 General - Design and Fabrication
 750.660 Accessibility
 750.670 In-Place Cleaning
 750.680 Thermometers
 750.690 Non-Food-Contact Surfaces
 750.700 Ventilation Hoods
 750.710 General - Equipment Installation and Location
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AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1985 1987, ch. 56 1/2, pars. 501 et. seq.) and "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1985 1987, ch. 56 1/2, pars. 67 et. seq.) and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1985 1987, ch. 56 1/2, par. 521) and Section 11.1 of "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1985 1987, ch. 56 1/2, par. 77.1)

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, P. 180, effective May 3, 1978; old rules repealed and new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988 for a maximum of 150 days; amended at 12 Ill. Reg. 17918 , effective December 1, 1988.

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section 750.1100 Drains

a) Commercial dishwashing machines, dishwashing sinks, pot washing sinks, pre-rinse sinks, silverware sinks, bar sinks, soda fountain sinks, vegetable sinks, potato peelers, ice machines, steam tables, steam cookers, and other similar fixtures shall be indirectly connected in compliance with 77 Ill. Adm. Code 890.1410(a). The only exception shall be when such fixtures are located adjacent to a floor drain, the waste may be directly connected on the sewer side of the floor drain trap provided the fixture waste is trapped and vented as required by the Illinois Plumbing Code (77 Ill. Adm Code 890)

and the floor drain is located within four feet horizontally of the fixture and in the same room. The indirect piping from the fixture to the air gap shall not exceed five (5) feet developed length. All indirectly connected fixtures shall discharge to a vented trap located as close as possible to the fixture and in the same room in compliance with 77 Ill. Adm. Code 890.1410(a). In the case of direct connection no other fixture waste shall be connected between the floor drain trap and the fixture protected.

b) Drain lines from equipment shall not discharge waste water in such a manner as will permit the flooding of floors or the flowing of water across working or walking areas or into difficult-to-clean areas, or otherwise create a nuisance.

(Source: Amended at 12 Ill. Reg. 17918 , effective December 1, 1988)

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(Ill.-Rev.-Stat.-1985, ch.-56-1/2; par.-2203 Section 3(b)(15) of the Act).

"Cultured dairy products", means milk and milk products that have been soured after pasteurization using harmless lactic-acid producing bacteria, food grade phosphoric acid, lactic acid, citric acid or hydrochloric acid, with or without rennet and/or other safe and suitable milk-clotting enzymes.

"DAIRY FARM" MEANS ANY PLACE OR PREMISE WHERE ONE OR MORE COWS OR GOATS ARE KEPT, AND FROM WHICH A PART OR ALL OF THE MILK OR MILK PRODUCTS ARE PROVIDED, SOLD OR OFFERED FOR SALE TO A MILK PLANT, TRANSFER STATION, OR RECEIVING STATION. (Ill.-Rev.-Stat.-1985, ch.-56-1/2; par.-2203 Section 3(b)(1) of the Act)

"DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH. (Ill.-Rev.-Stat.-1985, ch.-56-1/2; par.-2203 Section 3(b)(7) of the Act)

"DIRECTOR" MEANS THE DIRECTOR OF THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH. (Ill.-Rev.-Stat.-1985, ch.-56-1/2; par.-2203 Section 3(b)(8) of the Act)

"Down stream" means after the automatic milk flow safety device.

"EMBARGO OR HOLD FOR INVESTIGATION" MEANS A DETENTION OR SEIZURE DESIGNED TO DENY THE USE OF MILK OR MILK PRODUCTS WHICH MAY BE UNWHOLE SOME OR TO PROHIBIT THE USE OF EQUIPMENT WHICH MAY RESULT IN CONTAMINATED OR UNWHOLE SOME MILK OR DAIRY PRODUCTS. (Ill.-Rev.-Stat.-1985, ch.-56-1/2; par.-2203 Section 3(b)(9) of the Act)

"ENFORCING AGENCY" MEANS THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH OR A UNIT OF LOCAL GOVERNMENT ELECTING TO ADMINISTER AND ENFORCE THIS ACT AS PROVIDED FOR IN SECTION 3 OF THE ACT. (Ill.-Rev.-Stat.-1985, ch.-56-1/2; par.-2203 Section 3(b)(12) of the Act)

"GRADE A" MEANS THAT MILK AND MILK PRODUCTS ARE PRODUCED AND PROCESSED IN ACCORDANCE WITH THE LATEST UNITED STATES PUBLIC HEALTH SERVICE FOOD AND DRUG ADMINISTRATION GRADE A PASTEURIZED MILK ORDINANCE AS MAY BE AMENDED. THE TERM GRADE A IS APPLICABLE TO "DAIRY FARM", "MILK HAULER", "MILK PLANT", "MILK PRODUCT", "RECEIVING STATION" AND "TRANSFER STATION" WHENEVER USED IN THIS ACT. (Ill.-Rev.-Stat.-1985, ch.-56-1/2; par.-2203 Section 3(a) of the Act)

"High temperature short time flow-diversion device" or "H.T.S.T." means an automatic milk-flow safety device that controls the flow of milk in relation to the temperature of the milk or heating medium and/or pressure, vacuum, or other auxiliary equipment.

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 775

GRADE A PASTEURIZED MILK AND MILK PRODUCTS

Section

- 775.1 Minimum Regulations (Renumbered)
- 775.10 Definitions
- 775.20 Incorporated Materials
- 775.30 Minimum Requirements
- 775.40 Local Government Implementation
- 775.50 Permits
- 775.60 Suspension of Permits
- 775.70 Inspections and Investigations
- 775.80 Approval of Construction Plans
- 775.90 Administrative Hearings
- 775.100 Milk Haulers Examination
- 775.110 Milk Tank Trucks
- 775.120 Cleaning and Sanitizing Procedures
- 775.130 Action Levels for Added Water in Milk
- 775.140 Pesticide Residue Control Program

AUTHORITY: Implementing and authorized by the Grade A Pasteurized Milk and Milk Products Act (Ill. Rev. Stat. 1985 1987, ch. 56 1/2, pars. 2201 et seq.)

SOURCE: Adopted and codified at 8 Ill. Reg. 4190, effective March 16, 1984; amended at 11 Ill. Reg. 1464, effective February 1, 1987; amended at 12 Ill. Reg. 17925, effective December 1, 1988.

NOTE: Capitalization denotes statutory language or paraphrase thereof.

Section 775.10 Definitions

In addition to the definitions contained in Part II, Section 1 of the Grade A Pasteurized Milk Ordinance and Grade A Condensed and Dry Milk Products and Dry Whey Supplement, the following definitions shall apply:

"ACT" MEANS THE GRADE A PASTEURIZED MILK AND MILK PRODUCTS ACT. (Ill. Rev. Stat. 1985 1987, ch. 56 1/2, par. 2201 et seq.).

"Clarification" means an operational procedure that removes sediment from milk.

"CLEANING AND SANITIZING FACILITY" MEANS ANY PLACE, PREMISE OR ESTABLISHMENT WHERE MILK TANK TRUCKS ARE CLEANED AND SANITIZED.

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"IMMINENT HAZARD TO THE PUBLIC HEALTH" MEANS ANY HAZARD TO THE PUBLIC HEALTH WHEN THE EVIDENCE IS SUFFICIENT TO SHOW THAT A PRODUCT OR PRACTICE, POSING OR CONTRIBUTING TO A SIGNIFICANT THREAT OF DANGER TO HEALTH, CREATES OR MAY CREATE A PUBLIC HEALTH SITUATION (1) THAT SHOULD BE CORRECTED IMMEDIATELY TO PREVENT INJURY AND (2) THAT SHOULD NOT BE PERMITTED TO CONTINUE WHILE A HEARING OR OTHER FORMAL PROCEEDING IS BEING HELD. (Ill.-Rev.-Stat.-1985, ch.-56-1/2, par.-2203 Section 3(b)(10) of the Act)

"MILK" MEANS THE MILK OF COWS OR GOATS AND INCLUDES SKIM MILK AND CREAM. (Ill.-Rev.-Stat.-1985, ch.-56-1/2, par.-2203 Section 3(b)(2) of the Act)

"Milkfat and Nonfat Solid Content Standards" means the standards set forth in 21 CFR 131.110. (1986 1987) (See Section 775.20).

"MILK HAULER" MEANS A PERSON WHO TRANSPORTS BULK RAW MILK FOR PASTEURIZATION FROM A DAIRY FARM TO A RECEIVING STATION, TRANSFER STATION, OR MILK PLANT. (Ill.-Rev.-Stat.-1985, ch.-56-1/2, par.-2203 Section 3(b)(14) of the Act)

"Milk pickup tanker" means a milk pickup tanker is a vehicle including the truck, tank and those appurtenances necessary for its use, used by a milk hauler to transport bulk raw milk for pasteurization from a dairy farm to a transfer station, receiving station or milk plant.

"MILK PRODUCT" MEANS ANY PRODUCT INCLUDING CREAM, LIGHT CREAM, LIGHT WHIPPING CREAM, HEAVY CREAM, HEAVY WHIPPING CREAM, WHIPPED CREAM, WHIPPED LIGHT CREAM, sour cream, acidified light sour cream, cultured sour cream, HALF-AND-HALF, SOUR HALF-AND-HALF, ACIDIFIED SOUR HALF-AND-HALF, CULTURED HALF-AND-HALF, RECONSTITUTED OR RECOMBINED MILK AND MILK PRODUCTS, CONCENTRATED MILK, CONCENTRATED MILK PRODUCTS, SKIM MILK, LOWFAT MILK, FROZEN MILK CONCENTRATE, EGGNOG, BUTTERMILK, CULTURED MILK, CULTURED LOWFAT MILK, OR SKIM MILK, COTTAGE CHEESE (INCLUDING DRY CURD AND LOWFAT) YOGURT, LOWFAT YOGURT, NONFAT YOGURT, ACIDIFIED MILK, ACIDIFIED LOWFAT MILK, OR SKIM MILK, LOW-SODIUM MILK, LOW-SODIUM LOWFAT MILK, LOW-SODIUM SKIM MILK, LACTOSE-REDUCED MILK, LACTOSE-REDUCED LOWFAT MILK, LACTOSE-REDUCED SKIM MILK, A SEPTICALLY PROCESSED AND PACKAGED MILK AND MILK PRODUCTS, AND MILK, LOWFAT MILK OR SKIM MILK WITH ADDED SAFE AND SUITABLE MICROBIAL ORGANISMS. (Ill.-Rev.-Stat.-1985, ch.-56-1/2, par.-2203 Section 3(b)(4) of the Act)

"Milk transport tank" means a milk transport tank is a vehicle including the truck and tank used by a milk hauler to transport bulk shipments of milk from a transfer station, receiving station or milk plant to another transfer station, receiving station or milk plant.

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"Milk tank truck" means a milk tank truck is the term used to describe both a bulk or milk pickup tanker and a milk transport tank.

"PMO" means Grade A Pasteurized Milk Ordinance incorporated by reference. (See Section 775.20.)

"PERMIT" MEANS A DOCUMENT AWARDED TO A PERSON FOR COMPLIANCE WITH THE PROVISIONS OF AND UNDER CONDITIONS SET FORTH IN THE ACT and this Part. (Ill.-Rev.-Stat.-1985, ch.-56-1/2, par.-2203 Section 3(b)(13) of the Act)

"PERSON" MEANS ANY INDIVIDUAL, GROUP OF INDIVIDUALS, ASSOCIATION, TRUST, PARTNERSHIP, CORPORATION, PERSON DOING BUSINESS UNDER AN ASSUMED NAME, THE STATE OF ILLINOIS, OR ANY POLITICAL SUBDIVISION OR DEPARTMENT THEREOF, OR ANY OTHER ENTITY. (Ill.-Rev.-Stat.-1985, ch.-56-1/2, par.-2203 Section 3(b)(11) of the Act)

"RECEIVING STATION" MEANS ANY PLACE, PREMISE, OR ESTABLISHMENT WHERE RAW MILK IS RECEIVED, COLLECTED, HANDLED, STORED OR COOLED AND PREPARED FOR FURTHER TRANSPORTING. (Ill.-Rev.-Stat.-1985, ch.-56-1/2, par.-2203 Section 3(b)(5) of the Act)

"Separation" means an operational procedure that removes butterfat from milk.

"TRANSFER STATIONS" MEANS ANY PLACE, PREMISE, OR ESTABLISHMENT WHERE MILK OR MILK PRODUCTS ARE TRANSFERRED DIRECTLY FROM ONE MILK TANK TO ANOTHER. (Ill.-Rev.-Stat.-1985, ch.-56-1/2, par.-2203 Section 3(b)(6) of the Act)

(Source: Amended at 12 Ill. Reg. 17925, effective December 1, 1988)

Section 775.20 Incorporated Materials

a) The following materials are incorporated or referenced in this Part:

- 1) The Grade A Pasteurized Milk Ordinance, Part II and Appendixes A through M - as amended in 1979, 1981, 1983 and 1985 1987 (except Sections 16 and 17) (PMO) (1985 Revision of the 1978 Recommendations of the United States Public Health Service/Food and Drug Administration (Publication 229)). In addition, the jurisdiction name, left blank in Sections 1, 2 and 11 of the PMO, for the purposes of this Part, shall mean the State of Illinois; and the regulatory agency referred to in Section 1, shall mean the Illinois Department of Public Health. (See Section 775.30(a)).

- 2) The Grade A Condensed and Dry Milk Products and Condensed and Dry Whey Supplement I to the Grade A Pasteurized Milk

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- Ordinance, Part II and Appendixes A through J (1978 Recommended Sanitation Ordinance for Condensed and Dry Milk Products and Condensed and Dry Milk Whey Used in Grade A Pasteurized Milk Products). (See Section 775.30(b)).
- 3) The Standard Methods for the Examination of Dairy Products (15th Edition, 1978, American Public Health Association, 1015 - 18th Street, N.W., Washington, D.C. 20036.) (See Section 775.70(b)).
 - 4) Official Methods of Analysis of the Association of Official Analytical Chemists (14th Edition, 1980, Association of Official Analytical Chemists, P.O. Box 540, Ben Franklin Station, Washington, D.C. 20044.) See Section 775.70(b).
 - 5) 21 CFR 131.110. (1986) (See Section 775.10 the definition of "Milkfat and Nonfat Solid Content Standards.").
 - 6) Illinois Plumbing Code - 77 Ill. Adm. Code 890, Illinois Department of Public Health. (See Section 775.30(c)(4)).
 - 7) Minimum Qualifications for Public Health Personnel Employed by Full-time Local Health Departments - 77 Ill. Adm. Code 600.700 to 600.740, Illinois Department of Public Health. (See Section 775.40).
 - 8) Rules of Practice and Procedure in Administrative Hearings - 77 Ill. Adm. Code 100, Illinois Department of Public Health. (See Section 775.90).
 - a) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.
 - c) All citations to federal regulations in this Part concern the specified regulation in the 1986 1987 Code of Federal Regulations, unless another date is specified.
 - d) Copies of all incorporated materials are available for inspection and copying by the public at the Department's Central Office, Division of Food, Drugs, and Dairies (525 West Jefferson, Springfield, Illinois 62761).
- (Source: Amended at 12 Ill. Reg. 17925, effective December 1, 1988).
- Section 775.40 Local Government Implementation

If a unit of local government with a population of 1,000,000 or more adopts its own ordinance, then the unit of local government must comply with this Part and the Department's rules entitled "Minimum Qualifications for Public

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Health Personnel Employed by Full-Time Local Health Departments concerning Environmental Health Personnel (77 Ill. Adm. Code 600.700 to 600.740)" (See Section 775.20). In addition, surveillance officers must be certified by the federal Food and Drug Administration as required by Section 6 of the PMO.

(Source: Amended at 12 Ill. Reg. 17925, effective December 1, 1988)

Section 775.50 Permits

NO PERSON MAY ESTABLISH, MAINTAIN, CONDUCT, OR OPERATE A DAIRY FARM, MILK PLANT, RECEIVING STATION, TRANSFER STATION, OR CLEANING AND SANITIZING FACILITY TO PROCESS OR HAUL MILK OR MILK PRODUCTS OR BRING IN AND DISTRIBUTE PASTEURIZED MILK OR MILK PRODUCTS FROM ANOTHER STATE WITHOUT A PERMIT FROM THE DEPARTMENT. (Ill. Rev. Stat. 1985, ch. 56-1/2, par. 2295 Section 5 of the Act)

- a) A permit shall be granted to and renewed for persons, who maintain, conduct, or operate a milk plant, receiving station, transfer station, and cleaning and sanitizing facilities, within the State of Illinois by the Department upon completion of an inspection which establishes compliance with the Act and this Part and upon payment of the fee required by Section 5.1 of the Act. Milk plants which maintain cleaning and sanitizing facilities on the same site as the plant do not have to obtain a separate permit for such facilities.
- b) A permit shall be granted to and renewed for persons who bring into and distribute pasteurized milk or milk products from another state which has rules, regulations or requirements that provide for clean, sanitary and safe handling and processing of pasteurized milk and milk products to ensure protection equivalent to that provided by this Part upon receipt of an inspection report which establishes compliance with the State's Rules, Regulations or Requirements and upon payment of the fee required by Section 5.1 of the Act.
- c) An original permit shall be granted to a milk hauler when the following conditions are met:
 - 1) An inspection establishes that the hauler's equipment is in compliance with the provisions of the Act and this Part,
 - 2) The hauler has successfully completed an examination administered by the Department, and
 - 3) The hauler has paid the fee required by Section 5.1 of the Act.
- d) 1) An original dairy farm permit is necessary when a farm does not presently hold a permit, a change of ownership occurs and only the farm owner's name was on the permit, and when a

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1) Heading of the Part: Sanitation of Retail Food Stores2) Code Citation: 77 Ill. Adm. Code 7603) Section Number:

760.1000

Adopted Action:

Amendment

4) Statutory Authority:

AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 67 et seq.)

The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et seq.)

5) Effective Date of Rules: December 1, 19886) Does this Rulemaking Contain an Automatic Repeal Date? No.7) Does this Rulemaking Contain Any Incorporations by Reference? No.8) Date Filed in Agency's Principal Office: December 1, 19889) Date Notice(s) of Proposal was Published in Illinois Register:

February 5, 1987 12 Ill. Reg. 3318

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No.11) Differences Between Proposal and Final Version:

There are no differences between the proposal and final version.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

No changes were agreed upon between the Department and the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No.14) Are there any other Amendments Pending on this Part? Yes.

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
760.20	Amendment	12 Ill. Reg. 14115
760.150	Amendment	12 Ill. Reg. 14115

15) Summary and Purpose of Rules:

Various changes to Part 760 (Sanitation of Retail Food Stores) were adopted, effective January 1, 1988, appearing in the November 13, 1987 issue of the Illinois Register. In discussion with staff members of the Joint Committee on the Administrative Rules, the Department agreed to rewrite Section 760.1000(a) to read: "All indirectly connected fixtures shall discharge to a vented trap located in the same room in compliance with 77 Ill. Adm. Code 890.1410(a)." However, the adopted version of this Section read: "All indirectly connected fixtures shall discharge to a vented trap located as close as possible to the fixture and in the same room in compliance with 77 Ill. Adm. Code 890.1410(a)." This rulemaking removes the phrase "as close as possible to the fixture and," from the referenced Section of this Part.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 760

SANITATION OF RETAIL FOOD STORES

SUBPART A: GENERAL PROVISIONS

SECTION

760.10

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Purpose

Incorporated Materials

Definitions

SUBPART B: FOOD

SECTION

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760.280

760.290

General - Food Supplies

Special Requirements for Food Supplies

General - Food Protection

Emergency Occurrences

General - Food Storage

Refrigerated/Frozen Storage

Hot Storage

Damaged Food Containers

General - Food Preparation

Preparing Raw Fruits and Raw Vegetables

Cooking Potentially Hazardous Foods

Bakery Product Fillings

Reheating

Food Product Thermometers

Thawing Potentially Hazardous Foods

Displaying Potentially Hazardous Foods

Displaying Frozen Foods

Food Display

Dispensing Utensils

Food Sample Demonstrations and Food Promotions

General - Food Transportation by the Retail Food Store

SUBPART C: PERSONNEL

SECTION

760.400

760.410

760.420

760.430

General - Employee Health

General - Personal Cleanliness

General - Clothing

General - Employee Practices

SUBPART D: EQUIPMENT AND UTENSILS

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

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SECTION

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General - Materials

Solder

Wood

Plastics and Rubber Materials

Cutting Surfaces

Single-Service Articles

General - Design and Fabrication

Accessibility

Cleaned in Place (CIP)

Food Product Thermometers

Non-Food-Contact Surfaces

Ventilation Hoods

Maintenance of Equipment and Utensils

General - Equipment Installation and Location

Table-Mounted Equipment

Floor-Mounted Equipment

Aisles and Working Spaces

SUBPART E: CLEANING, SANITIZATION,
AND STORAGE OF EQUIPMENT AND UTENSILS

SECTION

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Cleaning Frequency

Wiping Cloths

Manual Cleaning and Sanitizing

Mechanical Cleaning and Sanitizing

Drying

Retail Food Stores Without Equipment and Utensil Cleaning Facilities

Equipment and Utensil Handling

Equipment and Utensil Storage

Single-Service Articles Handling and Storage

Prohibited Storage Areas

SUBPART F: SANITARY FACILITIES AND CONTROLS

SECTION

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760.1020

General - Water Supply

Water Delivery

Water Under Pressure

Steam

General - Sewage

General - Plumbing

Nonpotable Water System

Backflow

Grease Traps

Garbage Grinders

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Toilet Installation

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760.1030 Toilet Rooms
 760.1040 Toilet Facility Maintenance
 760.1050 Handwashing Facility Installation
 760.1060 Handwashing Facility Faucets
 760.1070 Handwashing Supplies
 760.1080 Handwashing Facility Maintenance
 760.1090 Garbage and Refuse Containers
 760.1100 Garbage and Refuse Container Storage
 760.1110 Garbage and Refuse Disposal
 760.1120 General - Insect and Rodent Control
 760.1130 Openings to be Protected Against Entry of Rodents and Insects

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 OF PHYSICAL FACILITIES

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 760.1210 Floor Carpeting
 760.1220 Prohibited Floor Covering
 760.1230 Mats and Duckboards
 760.1240 Utility Line Installation
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 760.1260 Wall and Ceiling Construction
 760.1270 Exposed Construction of Walls and Ceilings
 760.1280 Utility Line Installation in or on Walls and Ceilings
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 760.1310 General - Cleaning Physical Facilities
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 760.1390 Labeling of Poisonous or Toxic Materials
 760.1400 Storage of Poisonous or Toxic Materials
 760.1410 Use of Poisonous or Toxic Materials
 760.1420 Storage and Display of Poisonous or Toxic Materials
 760.1430 First-Aid Supplies and Personal Medications
 760.1440 General - Premise
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 760.1480 Cleaning Equipment Storage
 760.1490 Animals

SUBPART H: NEW FACILITIES AND EXISTING
 EQUIPMENT AND FACILITIES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SECTION
 760.1600 New Facilities
 760.1610 Existing Equipment and Facilities

SUBPART I: TEMPORARY RETAIL FOOD STORES

SECTION
 760.1700 General - Temporary Retail Food Stores
 760.1710 Restricted Operations
 760.1720 Wet Storage
 760.1730 Waste Disposal
 760.1740 Handwashing
 760.1750 Floors
 760.1760 Ceilings

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1985 1987, ch. 56 1/2, pars. 501 et. seq.) and "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1985 1987, ch. 56 1/2, pars. 67 et. seq.) and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1985 1987, ch. 56 1/2, par. 521) and Section 11.1 of "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1985 1987, ch. 56 1/2, par. 77.1).

SOURCE: Adopted September 16, 1968; old rules repealed and new rules adopted and codified at 7 Ill. Reg. 1382, effective January 25, 1983; amended at 11 Ill. Reg. 2440, effective February 1, 1987; amended at 11 Ill. Reg. 13743, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14391, effective September 2, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17935, effective December 1, 1988.

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section 760.1000 Drains

- a) Commercial dishwashing machines, dishwashing sinks, pot washing sinks, pre-rinse sinks, vegetable sinks, potato peelers, ice machines, steam tables, steam cookers, and other similar fixtures shall be indirectly connected in compliance with 77 Ill. Adm. Code 890.1410(a). The only exception shall be when such fixtures are located adjacent to a floor drain, the waste may be directly connected on the sewer side of the floor drain trap provided the fixture waste is trapped and vented as required by the Illinois Plumbing Code (77 Ill. Adm. Code 890) and the floor drain is

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located within four feet horizontally of the fixture and in the same room. The indirect piping from the fixture to the air gap shall not exceed five (5) feet developed length. All indirectly connected fixtures shall discharge to a vented trap located as-close-as-possible to the fixture and in the same room in compliance with 77 Ill. Adm. Code 890.1410(a). In the case of direct connection no other fixture waste shall be connected between the floor drain trap and the fixture protected.

- b) Drain lines from equipment shall not discharge waste water in such a manner as will permit the flooding of floors or the flowing of water across working or walking areas or into difficult-to-clean areas, or otherwise create a nuisance in compliance with 77 Ill. Adm. Code 750.1100(b).

(Source: Amended at 12 Ill. Reg. 17935, effective December 1, 1988)

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- 1) Heading of the Part: Advisory Councils
- 2) Code Citation: 89 Ill. Adm. Code 515
- 3) Section Numbers:
515.100 Adopted Action:
515.200 amendment
515.300 amendment
- 4) Statutory Authority: Section 3 of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, par. 3434) and Sections 6.23, 8 and 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 6.23, 8 and 16)
- 5) Effective Date of Rule(s) (Amendments, Repealer): October 24, 1988
- 6) Does this rulemaking contain an automatic repeal date?
Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 24, 1988
- 9) Notice of Proposal Published in Illinois Register:
October 23, 1987, 11 Ill. Reg. 17067
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
A) Statement of Objection: (issue date), 11l. Reg. _____
B) Agency Response: (issue date), 11l. Reg. _____
C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: Per agreements with the Administrative Code Division and the Joint Committee on Administrative Rules, the following changes were made:

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1. In the authority note, changed "&" to "and" both times.
2. In Section 515.100(f)(g) deleted the quotation marks around the name of the Act referenced and specified the particular sections to which the paragraphs correspond in this Section and 515.100(g) and (h), and Section 515.200(e), (i) and (j), and Section 515.300(f), (j) and (k).
3. In Section 515.200(b)(3), changed "this Rule" to "this Section".
4. In Section 515.200(e) changed the capital letters in "State Travel Regulations" to small letters and placed the Code citation to this set of rules within parentheses.
- This same comment applies to Section 515.300(f).
5. In Section 515.200(f), deleted the quotation marks around the name of the Act referenced and placed the Code citation to the rules references within parentheses, deleting the comma in front of the Code citation.
6. In Section 515.300(e) placed the Code citation within parentheses, deleting the comma in front of the Code citation.
7. In Section 515.300(g)(1), placed the statutory citation within parentheses, deleting the comma in front of the statutory citation.
8. In Section 515.300(g)(2), deleted the quotation marks around the name of the Act and placed the Code citation within parentheses deleting the comma in front of the Code citation.
9. Because each of these Sections is the first one in a Subpart, the Subparts and their headings are shown in the text.
10. In all source notes, changed "Register" to "Reg."
11. Developed a heading to Sections 515.100(b)(1), (e) and (f), 515.200(b) and 515.300(g) and (h).

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12. Added the language "623 E. Adams" before the word "Springfield" and "100 W. Randolph" before the word "Chicago" in Sections 515.100(f)(1), (f)(2), 515.200(e), and 515.300(f).
 13. Added the words "written or oral" before the word "request" in Sections 515.100(f)(1), 515.200(e), and 515.300(f).
 14. Added the following language "which allows any person to record a meeting required to be open unless a witness testifying before the Council refuses to testify on the basis his or her testimony will be broadcast, televised or motion pictures will be taken during testimony. If such occurs, recording shall be prohibited." after the language "par. 42.05" in Sections 515.100(h), 515.200(j) and 515.300(k).
 15. Deleted the word "reasonable" in the first sentence in Section 515.300(h)(1).
 16. Updated to the 1987 edition all references to the Illinois Revised Statutes.
 - 12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R?
Yes
 - 13) Will this rule replace an Emergency Rule(s) currently in effect? No
 - 14) Are there any amendments pending on this Part: No
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-------------------------------------|-----------------|----------------------------|
| 15) Summary and Purpose of Rule(s): | | |
- These rule amendments are made to include references to and provisions of the Open Meetings Act and the Freedom of Information Act. This will give the public information regarding activities of the Rehabilitation Services Advisory Council, Consumer Advisory Councils and Facility Advisory Councils.

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- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Unit
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 515
ADVISORY COUNCILS

SUBPART A: REHABILITATION SERVICES ADVISORY COUNCIL

Section
515.100 Rehabilitation Services Advisory Council

SUBPART B: CONSUMER ADVISORY COUNCILS

Section
515.200 Consumer Advisory Councils

SUBPART C: FACILITY ADVISORY COUNCILS

Section
515.300 Facility Advisory Councils

AUTHORITY: Implementing Section 3 of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, par. 3434) and Sections 6.23, 8 and 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 6.23, 8 and 16).

SOURCE: Adopted and codified at 7 Ill. Reg. 8127, effective June 24, 1983; amended at 8 Ill. Reg. 1975, effective February 1, 1984; amended at 12 Ill. Reg. 17942, effective October 24, 1988.

NOTE: Statutory language is denoted by capital letters.

SUBPART A: REHABILITATION SERVICES ADVISORY COUNCIL

Section 515.100 Rehabilitation Services Advisory Council

- a) The Rehabilitation Services Advisory Council (RSAC) is ESTABLISHED WITH THE PURPOSE OF ADVISING THE DIRECTOR OF THE DEPARTMENT OF REHABILITATION SERVICES (DORS) IN MATTERS CONCERNING DISABLED PERSONS AND THE PROVISION OF REHABILITATION SERVICES.

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- b) POWERS AND DUTIES OF THE RSAC in respect to the operation of DORS includes:

1) Duties

- 4) A) TO CONSIDER AND STUDY THE SUBJECT OF REHABILITATION as it relates to the programs and purpose of DORS,
- B) TO RECOMMEND TO THE DIRECTOR OF DORS, ON ITS OWN INITIATIVE, POLICIES AND PRACTICES WHICH SHALL BE DULY CONSIDERED, AND
- C) TO GIVE ADVICE OR MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY WHEN SO REQUESTED OR ON ITS OWN INITIATIVE.

- 2) TO INVESTIGATE THE CONDUCT OF THE WORK OF THE DEPARTMENT OF REHABILITATION SERVICES DORS AND TO HAVE ACCESS TO ALL DOCUMENTS AND EMPLOYEES PERTAINING TO SUCH.

- 3) TO ADOPT BYLAWS, NOT INCONSISTENT WITH LAW, FOR THE INTERNAL MANAGEMENT OF THE RSAC, A COPY OF WHICH IS TO BE FILED WITH THE DIRECTOR OF DORS.

- 4) TO ACT BY A SUBCOMMITTEE, OR BY A MAJORITY OF THE GOVERNING RSAC, IF THE BYLAWS SO PRESCRIBE.

- 5) TO KEEP MINUTES OF EACH MEETING WHICH SHALL BE FILED WITH THE DIRECTOR OF DORS AND AVAILABLE FOR PUBLIC REVIEW.

- 6) TO GIVE NOTICE OF THE TIME AND DATE OF EACH MEETING TO THE GOVERNOR AND THE DIRECTOR OF DORS, TO PERMIT THE GOVERNOR AND THE DIRECTOR OF DORS TO ATTEND MEETINGS AND TO BE HEARD UPON ANY MATTER COMING BEFORE THE RSAC.

- c) The RSAC shall prepare and submit to the Director of DORS such reports and findings as the Director may request or as the RSAC deems fit.

- d) The RSAC SHALL CONSIST OF THIRTEEN (13) ELEVEN (11) MEMBERS APPOINTED BY THE GOVERNOR.

- 1) ONE (1) MEMBER SHALL BE DESIGNATED BY THE GOVERNOR TO SERVE AS CHAIRPERSON.

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- 2) THE CHAIRPERSON AND AT LEAST FIVE (5) OTHER MEMBERS OF THE RSAC SHALL HAVE A RECOGNIZED DISABILITY.

- 3) ONE of the members SHALL BE AGE 60 OR OVER.

e) Membership

- 1) ALL TERMS SHALL BE FOR SIX (6) YEARS.

- A) VACANCIES SHALL BE FILLED FOR AN UNEXPIRED TERM.

- B) MEMBERS of the RSAC SHALL SERVE UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED.

- 2) MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT SHALL BE REIMBURSED FOR ACTUAL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

f) Meetings

- 1) THE RSAC SHALL MEET AT LEAST FOUR (4) TIMES PER YEAR AT TIMES AND PLACES DESIGNATED BY THE CHAIRPERSON UPON TEN (10) DAYS WRITTEN NOTICE TO THE MEMBERS. A schedule of these meetings shall be developed so that public notice of the dates, times and locations of the regularly scheduled meetings will be posted at the beginning of the calendar year at DORS' administrative offices at 623 E. Adams, Springfield and 100 W. Randolph, Chicago. Copies of the public notice will also be provided to news media upon written or oral request.

- 2) SPECIAL MEETINGS MAY BE CALLED BY THE CHAIRPERSON OR FOUR (4) MEMBERS OF THE COUNCIL UPON SEVEN (7) DAYS WRITTEN NOTICE TO THE OTHERS. Public notice of the date, time, location and agenda of any special meeting will be posted at DORS' administrative offices at 623 E. Adams, Springfield and 100 W. Randolph, Chicago at least 24 hours in advance of the meeting and in accordance with Sections 2.02 and 2.03 of the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, pars. 42.02 and 42.03).

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- 3) SEVEN (7) SIX (6) MEMBERS SHALL CONSTITUTE A QUORUM.

g) Meetings shall be open to the public.

Meetings shall be open to the public; except that meetings or portions of meetings may, upon a majority vote of a quorum present be declared closed, in accordance with Sections 2 and 2a of the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, pars. 42 and 42a).

- h) The proceedings of meetings may be recorded in accordance with Section 2.05 of the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, par. 42.05), which allows any person to record a meeting required to be open unless a witness testifying before the Council refuses to testify on the basis his or her testimony will be broadcast, televised or motion pictures will be taken during testimony. If such occurs, recording shall be prohibited.

(Source: Amended at 12 Ill. Reg. 17942 effective October 24, 1988.)

SUBPART B: CONSUMER ADVISORY COUNCIL

Section 515.200 Consumer Advisory Councils

- a) In order to give the people for whom the Department DORS' programs are designed full opportunity to participate in policy formulation and initial planning to assure that programs for handicapped disabled individuals are relevant to their priorities, there is hereby established a Regional Consumer Advisory Council (RCAC) for each Department DORS Region and one State Consumer Advisory Council (SCAC).

b) Composition of Councils

- b) 1) Each RCAC Regional Council shall consist of the Regional Administrator Executive Officer as an ex officio member and of no less than nine (9) consumer members. All vacancies shall be filled by election by the RCAC Council. Nominations at such meetings may be made by anyone, including the general public.

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- 2) The SCAC State Council shall consist of two (2) consumer members from each Regional Council RCAC, as they shall be elected by the RCAC to serve, and one (1) consumer member elected from each Facility Advisory Council, as they shall elect to serve. In addition, the SCAC State Council may elect Members-at-Large, as provided for in their Constitution or By-Laws bylaws, and may elect additional members as they it may provide for from time to time in their By-Laws bylaws.

- 32) For the purpose of this Section Rule, "consumers" shall be defined as current, past or potential recipients of Department DORS' Services, or as appropriate, their parents, guardians, or other representatives designated by the consumer elected, who if he or she cannot articulate for himself or herself.

- 43) All Consumer Advisory Councils shall make every effort to assure representation of a broad range of disability groups. Department DORS' employees are not eligible for membership.

- c) For RCACs Regional Councils, all elections shall be for three year terms. For the SCAC State Council, all regionally elected members shall serve for two years, and all other members shall serve one year terms.

- d) Each Consumer Advisory Council may shall provide in their By-Laws bylaws for the removal of members.

- e) Each RCAC Regional Council and the SCAC State Council shall meet quarterly. Public notice of the dates, times and locations of regularly scheduled meetings will be posted the beginning of the calendar year at DORS' administrative offices at 623 E. Adams, Springfield and 100 W. Randolph, Chicago. Copies of the public notice will also be provided to news media upon written or oral request. The Chairperson and/or a quorum of each Council may call a special meeting provided that written notice stating the purpose of the meeting is given at least fifteen (15) days prior to such meeting date. Public notice of the date, time, location and agenda of any special meeting will be posted at the DORS' administrative offices at 623 E. Adams, Springfield and 100 W. Randolph, Chicago at

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least 24 hours in advance of the meeting and in accordance with Sections 2.02 and 2.03 of the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, pars. 2.02 and 2.03). Travel expenses will be reimbursed in accordance with State Travel Regulations (80 Ill. Adm. Code 2800).

f) Each Consumer Advisory Council shall elect its own officers and develop its own Constitution and By-laws in compliance with the requirements of this Rule. The Director shall approve any changes or additional items which are in compliance with federal and state regulations and procedures and within any budgetary constraints. The Chairperson of each Council shall submit copies of meeting notices, minutes, and written reports to the Regional Executive Officer, the Office of Consumer Affairs, the Director's designee and to other Department DORS' staff as deemed appropriate by the Council. The Chairperson of the State Consumer Advisory Council shall submit copies of meeting notices, minutes, and written reports to the Director, the Office of Consumer Affairs, and to other Department DORS' staff as deemed appropriate by the Council. The Chairperson of the State Consumer Advisory Council shall meet with or provide reports to the Rehabilitation Services Advisory Council upon request of that Council. The Department DORS shall maintain a copy of all documents identified in this Part for inspection by anyone in its Springfield Central Office and, further, shall provide copies upon request and at no charge to the public in accordance with the Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, par. 201 et seq.) and DORS' rule "Access to Public Records" (2 Ill. Adm. Code 1176).

g) The Department DORS shall provide reasonable support services (meeting places, clerical assistance, supplies, postage, etc.) as required by the Consumer Advisory Councils; technical assistance whenever possible; and access to reports, records, and information unless otherwise prohibited by law. The Director or designee shall also assure that prompt response and feedback is provided through oral and written reports at meetings, correspondence, and distribution of annual plans, manual releases and other official Department DORS' documents. The Director shall attend at least one State Consumer Advisory Council SCAC meeting per year and the Office of

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Consumer Affairs a designee of the Director's shall serve as the Council's liaison with the Director and other Department staff.

h) The areas of concern of Consumer Advisory Councils shall include, but not be limited to:

- 1) Insuring consumer input and involvement in planning, evaluating, and developing program standards and policies;
- 2) Being concerned with focusing on a broad range of issues in terms of which benefiting all disability groups, and not necessarily one particular group of disabled people;
- 3) Supplying current information to identifying statewide problem areas with recommendations and/or strategies for solution;
- 4) Assisting DORS the Department in tapping and securing full utilization of resources in meeting the needs of handicapped disabled individuals;
- 5) Gaining insight into the realities and limitations of rehabilitation programs and, through increased understanding and input, to joining in cooperative efforts to make service more effective and efficient and to provide increased public awareness of their availability; and
- 6) Accepting a leadership role in consumer advocacy, client assistance, and affirmative action.

i) Meetings shall be open to the public.

Meetings shall be open to the public; except that meetings or portions of meetings may, upon a majority vote of a quorum present be declared closed, in accordance with Sections 2 and 2a of the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, pars. 42 and 42a).

i) The proceedings of meetings may be recorded in accordance with Section 2.05 of the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, par. 42.05), which allows any person to record a meeting required to be open unless a witness testifying before the Council

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refuses to testify on the basis his or her testimony will be broadcast, televised or motion pictures will be taken during testimony. If such occurs, recording shall be prohibited.

(Source: Amended at 12 Ill. Reg. 17942, effective October 24, 1988.)

SUBPART C: FACILITY ADVISORY COUNCIL

Section 515.300 Facility Advisory Councils

a) The Community Services for the Visually Handicapped and the Illinois Visually Handicapped Institute, the Illinois Children's School and Rehabilitation Center, the Illinois School for the Deaf, and the Illinois School for the Visually Impaired shall each have an Facility Advisory Council (FAC). Each Consumer FAC shall consist of the Superintendent and the President of the Student Council, as ex officio members, and of no less than nine members elected by the Consumer FAC. Additional members may be appointed to the Consumer FAC or its committees as may be provided for from time to time in the Consumer's FAC's Constitution or By-Laws. Such additional members and ex officio members shall have the right to sit on committees and speak on the floor, but shall not have the right to vote or hold office.

b) In electing members or appointing ex-officio members, the Consumer FAC shall maintain the following composition of members on the Consumer FAC:

- 1) One-third of its members shall be consumers who are past, current, or potential recipients of the facility's services, or as appropriate, the parent, guardian or other representative designated by the consumer elected who if he or she cannot articulate for him or herself;
- 2) one-third individuals from related agencies or organizations;
- 3) and one-third from individuals who are not employed by governmental agencies;
- 4) Employees of the Department of Rehabilitation Services DORS are not eligible for membership.

c) 2) All members will serve for three-year terms and vacancies shall be filled, as they occur, by election by the Consumer FAC through procedures established in that Consumer's FAC's Constitution and or By-Laws bylaws. Nominations at such meetings may be made by anyone including the general public.

d) Each Consumer FAC may shall provide in their its Constitution o By-Laws bylaws for the removal of members.

e) Each Consumer FAC shall elect a consumer member to the State Consumer Advisory Consumer SCAC and, thereby, have a mechanism for input into Department DORS programs, policies, issues, and problems. See rule on Consumer Advisory Councils, (89 Ill. Adm. Code 515.200).

f) Each Consumer FAC shall meet quarterly. Public notice of the dates, times and locations of regularly scheduled meetings will be posted on the beginning of the calendar year at the DORS' administrative offices at 623 E. Adams, Springfield and 100 W. Randolph, Chicago. Copies of the public notice will also be provided to news media upon written or oral request. The Chairperson or a quorum of each Consumer FAC may call a special meeting provided that written notice stating the purpose of the meeting is given at least fifteen (15) days prior to such meeting date. Public notice of the date, time, location and agenda of any special meeting will be posted at the DORS' administrative offices at 623 E. Adams, Springfield and 100 W. Randolph, Chicago at least 24 hours in advance of the meeting and in accordance with Sections 2.02 and 2.03 of the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, pars. 42.02 and 42.03). Travel expenses will be reimbursed in accordance with State Travel Regulations (80 Ill. Adm. Code 2800).

g) Council Documents

f) 1) Each Consumer FAC shall elect its own officers and develop its own Constitution and By-Laws bylaws in compliance with the requirements of this Rule. The Director shall approve any changes or additional items which are in compliance with federal and state regulations and procedures and within any budgetary constraints. The Chairperson

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of each Consumer FAC shall submit copies of meeting notices, minutes, and written reports to the Superintendent, the Deputy Director, the Office of Consumer Affairs, Director's designee and to other Department DORS' staff as deemed appropriate by the Consumer FAC. The Chairperson of each Facility Advisory Consumer FAC shall meet with or provide reports to the Rehabilitation Services Advisory Consumer RSCAC upon request of that Council. See Section 6.23 of Civil Administrative Code of Illinois, (Ill. Rev. Stat. 1985, ch. 127, par. 6.23).

The Facility Superintendent of each facility shall maintain a copy of all documents in this Part as related to that facility's Advisory Consumer FAC for inspection by anyone and, further, shall provide copies upon request and at no charge to the public in accordance with the Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, par. 201 et seq.) and DORS' rule "Access to Public Records" (2 Ill. Adm. Code 1176).

h)g) 1)

The Department DORS shall provide reasonable support services (meeting place, clerical assistance, supplies, postage, etc.) as required by the Facility Advisory Consumer FACs, technical assistance whenever possible, and access to reports, records, and information unless otherwise prohibited by law. The Director or designee shall also assure that prompt response and feedback is provided through oral and written reports at meetings, correspondence, and distribution of plans, reports and other official Department DORS documents pertaining to each Consumer FAC facility. The Deputy Director shall attend at least one Facility Consumer Advisory Consumer FAC meeting per year of each facility for which he/she is responsible and shall also serve as the Consumer FAC liaison with the Director and other Department DORS staff. Each Superintendent shall attend a minimum of fifty-one percent (51%) of each year; the Superintendent or designee shall attend the remaining forty-nine percent (49%) of the meetings of each Consumer FAC each year. and Each Consumer FAC shall have the power to go into Executive Session and conduct discussion without

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the presence of the Superintendent or designee when necessary.

1)2) The areas of concern of each Council shall include, but not be limited to:

1)A) Eligibility requirements and admission procedures for students or clients;

2)B) Educational and training programs;

3)C) Residential care;

4)D) Relationships with parents, families, and other interested individuals;

5)E) Relationships with related agencies;

6)F) Follow-up studies of former students or clients;

7)G) Fiscal and budgetary issues;

8)H) Physical plant adequacy; and

9)I) Input into Department DORS programs, policies, issues, and problems through its representative on the State Consumer Advisory Consumer SCAC.

j) Meetings shall be open to the public.

Meetings shall be open to the public; except that meetings or portions of meetings may, upon a majority vote of a quorum present be declared closed, in accordance with Sections 2 and 2a of the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, pars. 42 and 42a).

k) The proceedings of meetings may be recorded in accordance with the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, par. 42.05), which allows any person to record a meeting required to be open unless a witness testifying before the Council refuses to testify on the basis his or her testimony will be broadcast, televised or motion pictures will be taken during testimony. If such occurs, recording shall be prohibited.

(Source: Amended at 12 Ill. Reg. 17942 effective October 24, 1988.)

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- 1) Heading of the Part: Closure
- 2) Code Citation: 89 Ill. Adm. Code 617
- 3) Section Numbers: 617.30 Adopted Action:
Amendment
- 4) Statutory Authority: Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a), (b), and (k)).
- 5) Effective Date of Rule(s) (Amendments, Repealer): October 24, 1988
- 6) Does this rulemaking contain an automatic repeal date?
Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 24, 1988
- 9) Notice of Proposal Published in Illinois Register:
October 30, 1987, 11 Ill. Reg. 17460
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
 - A) Statement of Objection: (issue date), Ill. Reg.
 - B) Agency Response: (issue date), Ill. Reg.
 - C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: Pursuant to discussion with the Joint Committee and the Administrative Code Division regarding the above-referenced rulemaking, the Department of Rehabilitation Services has agreed:
 1. To change the comma at the end of line 2 in the main source note to a semi-colon.

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2. To capitalize the first letter of the word amended in the Section source note.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: Yes
Section Numbers Proposed Action Illinois Register Citation
617.100 Amendment 11 Ill. Reg. 17080
- 15) Summary and Purpose of Rule(s): This amendment is being adopted to clarify the criteria for "suitable employment" and to make the criteria consistent with the federal Rehabilitation Services Administration's manual. These criteria are used in determining when a client of the Department's Vocational Rehabilitation program is "rehabilitated."
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Unit
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

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1) employment meets the client's needs in terms of income security, opportunity for advancement, and vocational goals

2) the client performs the job duties effectively and efficiently, as reported by the client's employer;

3) the employment is not sporadic and will not terminate in the near future;

4) employer and client satisfaction (unless the client requests that the employer not be contacted) are evident, as stated by the client and employer and the client's continued employment record; and

5) the client's employment situation will not jeopardize the health and safety of the client or others.

1) the client and employer are each satisfied as evidenced by the client's continued employment and as expressed by the client at the time of client participation in the closure decision (Section 617.100);

2) the client is maintaining adequate interpersonal relationships and acceptable behavior in the job environment as evidenced by the client's continued employment and as expressed by the client at time of client participation in the closure decision (Section 617.100);

3) the occupation is consistent with the client's capacities, abilities, and interests as documented in the client's Thorough Diagnostic Study (89 Ill. Adm. Code 552.90) (If the occupation is different than the client's vocational goal (89 Ill. Adm. Code 572.60(b)), the client must be alerted to the fact with documentation in the client's case file (89 Ill. Adm. Code 572.100) and an IWRP amendment (89 Ill. Adm. Code 572.80.);

4) the client possesses acceptable skills to perform or continue the work satisfactorily as evidenced by the client's continued employment;

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 617
CLOSURE

- Section 617.10 General Applicability
- 617.20 Determination of Closure
- 617.30 Criteria for Being Determined "Rehabilitated"
- 617.40 Closure as an Unpaid Family Worker
- 617.50 Closure as a Homemaker
- 617.60 Closure in Sheltered Employment
- 617.70 Closure in a Work Activity Program
- 617.80 Vocational Outcome at Closure
- 617.90 Certification of Ineligibility
- 617.100 Client Participation in Closure Decision
- 617.110 Annual Review of Ineligibility Decision

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a),(b), and (k))

SOURCE: Adopted at 9 Ill. Reg. 8776, effective June 10, 1985; amended at 11 Ill. Reg. 4032, effective February 18, 1987; amended at 12 Ill. Reg. 6959, effective April 1, 1988; amended at 12 Ill. Reg. 11498, effective June 22, 1988; amended at 12 Ill. Reg. 17090, effective October 11, 1988; amended at 12 Ill. Reg. 17957, effective October 24, 1988.

Section 617.30 Criteria for Being Determined "Rehabilitated"

A determination that the client has been rehabilitated must meet the following criteria: The client must meet the following criteria in order to be determined rehabilitated.

- a) the counselor provided guidance and counseling;
- b) VR services which were necessary and consistent with the client's goals and objectives in accordance with the Individualized Written Rehabilitation Program (IWRP) were provided;
- c) the client has maintained suitable employment for at least 60 calendar days. Suitable employment is indicated when all of the following are present:

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5) the employment is regular, reasonably permanent, based upon the goal established in the client's IWRP (89 Ill. Adm. Code 572.60)), and the client receives a wage commensurate with that paid others for similar work as determined by wage information obtained by the counselor e.g. Job Service Federal Department of Labor, under legal requirements as contained in 29 CFR 524 and Illinois Minimum Wage Law (56 Ill. Adm. Code 200) respectively; and

6) the employment and working conditions will not aggravate the client's disability and the client's disability in the job situation will not jeopardize the health or safety of him/herself or others based upon client information obtained during the diagnostic study (89 Ill. Adm. Code 552.50 through 70) and the counselor's knowledge of the job description and requirements.

(Source: Amended at 12 Ill. Reg. 17957 effective October 24, 1988.)

- 1) The Heading of the Part: Dealers, Wreckers, Transporters and Rebuilders
- 2) Code Citation: 92 Ill. Adm. Code 1020
- 3) Section numbers: 1020.20
Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 5-100 et seq. and 2-104(b))
- 5) Effective Date of Amendment: November 1, 1988
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 1, 1988
- 9) Notice of Proposal Published in Illinois Register:
February 16, 1988, 12 Ill. Reg. 3607

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

1. Revised Section 1020.20(a) to read, in relevant part, as follows:

A separate record shall be kept for each vehicle or essential part and shall be open to inspection at any reasonable hour as allowed by Section 5-403(4) of the Act (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 5-403(4)) by any authorized representative of the Secretary of State or any peace officer.

2. Deleted all of Section 1020.20(a)(3) and renumbered the remaining subsections.

3. Deleted Section 1020.20(a)(9).

4. In the table of contents changed "Licensee's" to "Licensees".

5. Deleted the comma after the words "Automotive Parts Recyclers" in the title for Section 1020.20.

6. In Section 1020.20, line 3, added "of the Illinois Vehicle Code" after the word "Law".

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7. The second from the last sentence in Section 1020.20 shall read "The 'Police Book' shall be double-entry ..."
8. The third line down of Section 1020.20(a) "of" should read "or" in "Bodies-of-Engines".
9. The phrase "and one other type of identification," shall be placed at the end of Section 1020.20(a)(1).
10. Amended Section 1020.20(a) to read, in pertinent part: "must be recorded in the records kept on file at the licensee's established place of business."
11. Amended Section 1020.20(a) by placing a period after the phrase "in a legible form," deleting the "and," and beginning a new sentence with "a separate record shall be kept."
12. Amended Section 1020.20(a)(3)(B) to put the word "Illinois" before "Department" in "Illinois Department of State Police's identification number."
13. Amended Section 1020.20(a)(4)(C) to place the semi-colon after "sale" and a comma after "or".
14. Placed a semi-colon at the end of Section 1020.20(4)(D).
15. Amended Section 1020.20(c) to place parenthesis at the beginning of "as amended."
16. Amended the first part of Section 1020.20(d) to delete the word "keeping," to hyphenate the word "recordkeeping," and to delete the final "s" from the word "systems" so that this sentence reads as follows: "Licensees who maintain their records in an electronic data record-keeping system shall..."
17. Amended Section 1020.20(d) by replacing the "and" with "which" in order to clarify that it is the "information" that must be accessible in the phrase which reads "and must be accessible for inspection by the vehicle identification number..."
18. Replaced our citation to the 1985 edition of the Illinois Revised Statutes with the 1987 edition, Authority Note and Section 1020.20(a).
19. In Section 1020.20 added the statutory citation of the Illinois Vehicle Title and Registration Law.
20. In Section 1020.20(a), placed the statutory citation within parentheses.

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21. In Section 1020.20(a)(5), capitalized the first letter in the word "section".
22. Corrected the indent levels on Section 1020.20(b) and (c).
23. In the Section Source Note, we capitalized only the first letter of the word "Source" and deleted the period at the end.
24. In Section 1020.20(f) changed the comma in the Code citation to a period and capitalized the first letter of the word "subpart".
25. Public Act 85-1204 removes the need to adopt Section 1020.25, so it will not be adopted.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

This proposed amendment will update our rule to reflect modern bookkeeping methods. It also reflects statutory changes in regard to the addition of different types of licenses.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Philip S. Howe
Counsel to the Secretary
298 Centennial Building
Springfield, Illinois 62706
(217)785-3094

The full text of the Adopted Amendment begins on the next page:

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER 11: SECRETARY OF STATEPART 1020
DEALERS, WRECKERS, TRANSPORTERS AND REBUILDERS

Section
1020.10 Dealers Established Place of Business
1020.20 Required Records For Used-Parts-Dealers, Scrap-Processors,
Automotive Parts Recyclers and Rebuilders, New Vehicle Dealers,
Used Vehicle Dealers, Repairers and Out-of-State Salvage Vehicle
Buyers

1020.40 Inspection of Licensees Records and Premises
1020.50 Consignment Sales by Dealers

AUTHORITY: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95%, par. 5-100 et seq. and 2-104(b))

SOURCE: Filed March 5, 1975; amended at 2 Ill. Reg. 33, p. 144, effective August 8, 1978; amended at 5 Ill. Reg. 3835, effective March 27, 1981; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 5260, effective April 4, 1983; amended at 8 Ill. Reg. 14657, effective August 1, 1984; amended at 8 Ill. Reg. 22884, effective November 16, 1984; amended at 12 Ill. Reg. 13612, effective August 15, 1988; amended at 12 Ill. Reg. 17962, effective November 1, 1988

Section 1020.20 Required Records For Used-Parts-Dealers, Scrap-Processors, Automotive Parts Recyclers and Rebuilders, New Vehicle Dealers, Used Vehicle Dealers, Repairers and Out-of-State Salvage Vehicle Buyers

Each person or firm licensed pursuant to Sections 5-301 (excluding Scrap Processors), 5-302, 5-101 or 5-102 of the Illinois Vehicle Title and Registration Law (the Act) of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95%, pars. 5-301, 5-302, 5-101 and 5-102) is required to maintain for a period of three years subsequent to the acquisition, disposal, wrecking, rebuilding or scrapping junking of vehicles or essential parts thereof, a uniform record of such transactions at his principal place of business. Such records shall be kept in a bound ledger or electronic data processing system commonly-referred-to-as-a-"Police-Book" The "Police Book" shall be a double-entry type-ledger reflecting the required information at the time of acquisition and at the time of disposal. The required information shall be, but without limitation, as required hereunder.

- a) Upon the Purchase, Receipt, or Acquisition or Disposal of Vehicles, Essential Parts pursuant to Section 1-118 of the Illinois Vehicle Code

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(IVC) (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-118) Bodies-or-Engines; the following information must be recorded in the records kept on file at the licensee's established place of business in a legible form. A separate record shall be kept for each vehicle or essential part and shall be open to inspection at any reasonable hour as allowed by Section 5-403(4) of the Act (Ill. Rev. Stat. 1987 ch. 95%, par. 5-403 (4)) by any authorized representative of the Secretary of State or any peace officer:

- 1) The name, address and verification of same, of the person from whom the vehicle or essential part was acquired. If that person is a dealer, the Illinois or Out-of-State dealer license number of such person shall be recorded. Verification shall be by an Illinois Driver's License, ~~of-if-none-then-State-Identification-card~~ and one other type of identification ~~or-if-none, other-reliable-identification.~~
- 2) The date and type of acquisition or disposal (i.e. sale, exchange, etc.)
- 3) ~~The-purchase-price-and-type-of-payment-(check,-cash,-etc-)~~
- 3 4) A description of the vehicle or essential part, including:
 - A) The year, make and, model, style and color of the vehicle or essential part;
 - B) The manufacturers identification number, the Secretary of State of Illinois or Illinois Department of State Police's identification number, or if applicable, the derivative or essential part assigned number;
 - B) ~~Engine-serial-number-if-applicable;~~
 - C) ~~Vehicle-serial-number-if-applicable;~~
 - D) The year, make, model and manufacturer's identification number of the vehicle from which the essential part was removed.
 - 5) ~~Any-other-identifying-marks-or-number-~~
 - 6) 4) Documentary proof of ownership (eg--title, notarized-bill-of-sale, ~~salvage-certificate-or-junking-title~~) and appropriate title number: consisting of the following documents:
 - A) Uniform Invoices;

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B) Certificates of title, salvage certificates, junking certificates;

C) Receipts or bills of sale; or,

D) Other acceptable documentary evidence of right of possession;

5) The signature of the person making the inspection of a used vehicle as required under subsection (d) of this Section, if applicable;

6) The name and address of the person to whom any vehicle or essential part was disposed, and if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer;

7) The uniform invoice number reflecting the disposition of the vehicle or essential part.

b) It shall be the responsibility of every licensee hereunder to inspect every vehicle or essential part acquired. If there is any evidence that any serial number thereon has been removed, altered, defaced or destroyed, the licensee shall notify the Secretary of State.

c) Licensees who do not maintain electronic data processing recordkeeping systems shall maintain, for three years, the information required to be recorded by Section 5-401.2(a) of the Act (Ill. Rev. Stat. 1987, ch. 95, par. 5-401.2(a)) (as amended) in separate bound ledger books of a double entry type to be titled as follows:

- 1) New Vehicle;
- 2) Used Vehicle;
- 3) Essential Parts;
- 4) Rebuilt Vehicles;
- 5) Junked Vehicles.

c) Upon the sale, exchange or other disposition of vehicles, bodies, chassis, engines or parts, the following information must be recorded:

- 1) The name and address of the person to whom sold or transferred;
- 2) The date and type of transfer (i.e., sales, exchange, etc.);
- 3) The sale price and type of payment;
- 4) A description of the vehicle, body, chassis, engine or part including:

- A) The year, make and model;
- B) The engine serial number if applicable;
- C) The vehicle serial number if applicable;
- D) Any other identifying marks or numbers;

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5) The title, salvage certificate, or junking title assigned; or other ownership document given;

d) Licensees who maintain their records in an electronic data recordkeeping system shall maintain, for three years, the information required to be recorded by Section 5-401.2(a) of the Act as amended which must be accessible for inspection by the vehicle identification number either directly or indirectly through the association of the vehicle identification number with another identification number:

1) All electronic records must be retrievable during the inspection;

2) There shall be an employee of the licensee available to retrieve the records during the hours of operation of the business.

d) "Parts" shall include vehicle hulks, vehicle frames, and all essential parts and component parts as defined in the Illinois Vehicle Code, such as clips, doors, fenders, differentials, frames, transmissions, etc. "Parts" does not include carburetors, generators, radiators, steering wheels, etc.

e) Separate records for each vehicle or essential part shall be kept. Such records shall be clearly legible and open for inspection at any reasonable time by any authorized representative of the Secretary of State or any peace officer. The Secretary of State may prescribe forms for the maintenance of such records.

f) Any person or firm who violates or fails to comply with the provisions of this rule may have his license denied, revoked, or suspended in accordance with Section 5-501 of the Act as amended. Hearings to contest such action shall be held in accordance with Section 2-118 of the Illinois Vehicle and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95, par. 2-118) as amended and 92 Ill. Adm. Code 1001. Subpart A.

(Source: Amended at 12 Ill. Reg. 17962 effective November 1, 1988.)

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- 1) The Heading of the Part: Public Information, Rulemaking, and Organization
- 2) Code Citation: 2 Ill. Adm. Code 550
- 3) Section numbers: Adopted Action:
550.10 Amendment
550.210 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1004.01)

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER III: SECRETARY OF STATE

PART 550
PUBLIC INFORMATION, RULEMAKING, AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section
550.10 Public Information

SUBPART B: RULEMAKING PROCEDURES

Section
550.110 Rulemaking Procedures

SUBPART C: ORGANIZATION STRUCTURE

Section
550.210 Description of Officers and Departments

TABLE A Organization Chart
TABLE B Rulemaking Chart

AUTHORITY: Implementing and authorized by Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1004.01).

SOURCE: Amended at 2 Ill. Reg. 27, p. 99, effective July 7, 1978, amended at 2 Ill. Reg. 43, p. 185, effective October 18, 1978, new rules adopted at 2 Ill. Reg. 51, p. 31, effective December 11, 1978; old rules repealed at 3 Ill. Reg. 6, p. 61, effective January 31, 1979; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 12878, effective September 16, 1983; amended at 7 Ill. Reg. 15883, effective November 9, 1983, amended at 8 Ill. Reg. 5356, effective April 4, 1984; amended at 11 Ill. Reg. 14824, effective September 25, 1987; amended at 12 Ill. Reg. 7726, effective April 15, 1988; amended at 12 Ill. Reg. 17969, effective November 1, 1988.

SUBPART A: PUBLIC INFORMATION

Section 550.10 Public Information

- a) All requests for information from the public should be addressed to the Director of the Department which maintains that record.

- 5) Effective Date of Amendment: November 1, 1988

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: November 1, 1988

- 9) Notice of Proposal Published in Illinois Register: N/A

- 10) Has JCAR issued a Statement of Objections to these amendments? N/A

- 11) Differences between proposal and final version: N/A

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

- 13) Will these amendments replace an emergency rule amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rules:

The purpose of these amendments is to change addresses, telephone numbers, and the names of some of the Secretary's departments.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Philip S. Howe
Counsel to the Secretary
298 Centennial Building
Springfield, Illinois 62706
(217)785-3094

The full text of the Adopted Amendments begins on the next page:

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- b) The general fee structure is set forth by statute Section 10 of "AN ACT concerning fees and salaries, and to classify the several counties of this state with reference thereto" (Ill. Rev. Stat. 1981 1987, ch. 53, par. 24), unless otherwise set by a specific statute. Section 2-123 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code in par. 2-123 (Ill. Rev. Stat. 1981 1987, ch. 95 1/2, par. 2-123) sets fees for drivers abstracts (\$2.00), abstracts of vehicle title and registration searches (\$4.00), microfiche record of all vehicle registration (\$400.00) and other drivers license and motor vehicle information. The annual list of Illinois Corporations and the daily list are available from the Corporations-Department Department of Business Services. See Section 1.25 of The Business Corporation Act of 1983 (Ill. Rev. Stat. 1981 1987, ch. 32, par. 157-155 1.25). The monthly list of financing statements is available from the Department-of-Corporations Department of Business Services (UCC Division, Section 10-1 of "AN ACT concerning fees and salaries, and to classify the several counties of this state with reference thereto" (Ill. Rev. Stat. 1981 1987, ch. 53, par. 24-1)).

- c) The addresses for the departments are

Department	Address	Telephone
Accounting Revenue	248 Centennial Building Springfield, IL 62756	217/782-6823
Administrative Hearings	200 Centennial Building Springfield, IL 62756	217/782-2192
Archives and Records	Archives Building, 2-W Springfield, IL 62756	217/782-4682
Budget and Fiscal Management	139-Centennial-Building 124 Centennial Building Springfield, IL 62756	217/782-8892
Business Services	330 Centennial Building Springfield, IL 62756 or 030 Centennial Building Springfield, IL 62756	217/785-3285 217/782-7518

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Communications	131-Centennial-Building 474 Centennial Building Springfield, IL 62756 or Service Bureau 188 West Randolph Street Room 709 Chicago, Illinois 60601	217/782-5763 312/793-3373
Corporations (including-UCC Division)	328-Centennial-Building Springfield, IL 62756 or (UCC Division) 930 Centennial Building Springfield, IL 62756	217/782-1835 217/782-7518
Court of Claims	630 South College Street Springfield, IL 62756	217/782-7101
Data Processing	574 Centennial Building Springfield, IL 62756	217/782-7236
Driver Services	2701 South Dirksen Parkway Springfield, IL 62723	217/782-6212
Index	111 East Monroe Street Springfield, IL 62756	217/782-7017
Internal Affairs	6420 South Sixth Street Springfield, IL 62767	217/786-6619
Internal Audit	490 Centennial Building Springfield, IL 62756	217/782-7530
Inspector General	932 South Spring Springfield, IL 62756	217/524-7300
Legislation	294-Centennial-Building 476 Centennial Building Springfield, IL 62756	217/782-6640
Library	Ready Reference Third Floor Centennial Building Springfield, IL 62756	217/782-7596
Personnel	196 Centennial Building Springfield, IL 62756	217/782-4783

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Physical Services	189 Centennial Building Springfield, IL 62756	217/782-6396
Police	448-Centennial-Building 324 West Monroe Springfield, IL 62756	217/782-7126
Purchasing	148 Centennial Building Springfield, IL 62756	217/782-4984
Securities	848-South-Spring-Street 900 South Spring Street Springfield, IL 62704	217/782-2256
Senior Citizens and Human Resources	2781-South-Birkens-Parkway Room-186 450 Centennial Building Springfield, IL 62723	217/782-8893
Vehicle Services	312 Centennial Building Springfield, IL 62756	1-800-252-8980

- d) 1) Members of the public who desire to make any submission, comment, request, or objection regarding any program, policy, or activity of the Office of the Secretary of State may do so in writing and addressed to the Director of the Department administering that program or policy.
- 2) Verbal comments may be submitted by calling 1-800-252-8980, the general information line for the Office of the Secretary of State.
- 3) The Senior Citizens "Hot Line" number is 1-800-252-2904.
- e) The rules of the Secretary of State are found at:

Department	Source of Rule
Accounting Revenue	(Vehicle Code) 92 Ill. Adm. Code
Administrative Hearings	(Vehicle Code) 92 Ill. Adm. Code
Archives	23 Ill. Adm. Code, 44 Ill. Adm. Code
Court of Claims	74 Ill. Adm. Code
Driver Services	(Vehicle Code) 92 Ill. Adm. Code

Library	(Library Act) 23 Ill. Adm. Code
Merit Commission	(Secretary of State Merit Code) 80 Ill. Adm. Code
Personnel	(Secretary of State Merit Code) 80 Ill. Adm. Code
Police	(Vehicle Code) 92 Ill. Adm. Code
Purchasing	44 Ill. Adm. Code
Securities	(Ill. Securities Act) 14 Ill. Adm. Code
Senior Citizens and Human Resources	50 Ill. Adm. Code 8000
Vehicle Services	(Vehicle Code) 92 Ill. Adm. Code

(Source: Amended at 12 Ill. Reg. 17969, effective November 1, 1988)

SUBPART C: ORGANIZATION STRUCTURE

Section 550.210 Description of Officers and Departments

- a) The Deputy Secretary of State, headquartered in Springfield, is responsible for the daily operations of the Office of the Secretary of State.
- b) The Assistant Secretary of State, headquartered in Chicago, coordinates the Chicago office operations, and represents the Secretary of State in public functions and meetings.
- c) The General Counsel to the Secretary advises the Secretary, Deputy Secretary, Assistant Secretary, and other management officials on legal questions of broad applicability, supervises all litigation involving the Secretary of State, and coordinates all relations with the Attorney General's Office on legal questions, and performs other tasks as assigned.
- d) The Inspector General Department performs two functions: it investigates all allegations of wrongdoing involving personnel of the Office of the Secretary of State, and presents reports on its findings to the Secretary, Deputy Secretary, and appropriate Directors for possible disciplinary action, and it, through its Internal Audit

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- e) The Press Secretary is responsible for handling inquiries from the press, preparing press releases, and the printing of all office publications.
- f) The Program Director is responsible for the development and implementation of plans and programs which affect several departments, as determined by the Secretary or Deputy Secretary.
- g) The Public Advocate assists the public in resolving conflicts with the departments.
- h) The Budget and Fiscal Management Department prepares the annual budget, monitors expenditures of all funds appropriated to the Secretary of State, and prepares the payroll for the Office of the Secretary of State.
- i) The Data Processing Department directs, manages, and supervises data processing operations for the Secretary of State.
- j) The Accounting Revenue Department collects all funds for deposit with the State Treasurer received by the Office of the Secretary of State, directs the financial institutions' sales program for license plates, and performs audits pursuant to the Illinois Vehicle Code.
- k) The Department of Physical Services is responsible for the physical maintenance of the Centennial Building, the Capitol Building, the Stratton Building, and the surrounding grounds, and has responsibility for other government buildings, as provided by law.
- l) The Purchasing Department directs and coordinates all purchasing done by the Office of the Secretary of State.
- m) The Personnel Department processes all applications for employment with the Office of the Secretary of State, administers all tests for employment, and approves all personnel actions taken pursuant to the ~~Merit Code of the Office of the~~ Secretary of State Merit Employment Code (Ill. Rev. Stat. 1985 1987), ch. 124, pars. 101-119 et seq.).
- n) The Communications Department is responsible for answering all media inquiries concerning the Office of the Secretary of State and preparation and coordination of all public displays and publications relating to the Office of the Secretary of State.

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- o) The Department of Police's officers have general police powers. The Department's special emphasis is in enforcement of the Illinois Vehicle Code including investigation of auto theft and regulation of the trucking industry.
- p) The Index Department is the custodian of the State seal, receives all bills signed into law by the Governor, maintains all notary public commissions and ethics statements, and prepares all Constitutional Amendments for the ballot.
- q) The Archives Department maintains all State records and documents required to be kept by law.
- r) The State Library is the central research library for Illinois government.
- s) The Department of Driver Services issues, revokes, or suspends all Illinois drivers licenses.
- t) The Department of Vehicle Services issues all license plates and licenses remittance agents, automobile dealers and recyclers.
- u) The Department of Legislation coordinates the legislative program of the Secretary of State.
- v) The Department of Administrative Hearings conducts all hearings pursuant to the Illinois Vehicle Code (Ill. Rev. Stat. 1985 1987, ch. 95 1/2).
- w) The Department of ~~Corporations~~ Business Services administers the Business Corporation Act of 1983 Illinois (Ill. Rev. Stat. 1985 1987, ch. 32, pars. 157-1 to 157-167 1.01 et seq.), Article 9 of the Illinois Uniform Commercial Code -- Secured transactions (Ill. Rev. Stat. 1985 1987, ch. 26, pars. 9-101 to 9-505 et seq.), such other corporate statutes as designated by the General Assembly, and the Revised Uniform Limited Partnership Act (Ill. Rev. Stat. 1986,--~~Supp.~~ 1987, ch. 106 1/2, pars. 151-1 et seq.).
- x) The Department of Securities administers the Illinois Securities Act Law of 1953 (Ill. Rev. Stat. 1985 1987, ch. 121 1/2, pars. 137.2-1 to 137.5-1 et seq.).
- y) The Department of Senior Citizens and Human Resources conducts refresher courses on the Rules of the Road for Senior Citizens, handicapped and disabled persons, operates the Senior Citizens "Hot Line", and prepares photo identification cards for Senior Citizens.

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- 2) The Court of Claims Department exercises the duties of the Secretary of State as Clerk of the Court of Claims.

(Source: Amended at 12 Ill. Reg. 17969, effective November 1, 1988).

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYNOTICE OF WITHDRAWAL OF PROPOSED RULEMAKING
FOR FAILURE OF AGENCY TO RESPOND TO
OBJECTIONS OF THE JOINT COMMITTEE

Agency: Department of Central Management Services

Title of Proposed Rulemaking: Standard Procurement; 44 Ill. Adm. Code 1

Date Proposed Rulemaking Originally Published in Illinois Register: 12 Ill. Reg. 6351 - April 8, 1988

Date Agency Received Joint Committee Statement of Objection: July 18, 1988

Date of Expiration of 90 Day Period for Agency Response to Statement of Objection: October 16, 1988

Pursuant to Section 7.06(f) of the Illinois Administrative Procedure Act, Ill. Rev. Stat. 1987, ch. 127, par. 1007.06(f):

Failure of an agency to respond to the Joint Committee's objections to a proposed rule, amendment or repealer, within [90 days of receipt of the objections] shall constitute withdrawal of the rule in its entirety. The Joint Committee shall submit a notice to that effect to the Secretary of State which shall be published in the next available issue of the Illinois Register

Because the Department of Central Management Services has failed to respond to the objections of the Joint Committee within the statutory period, the above-mentioned rulemaking is, by operation of law, withdrawn.

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish this information in the Illinois Register:
Name of Act: Illinois Department of Revenue Sunshine Act
Citation: Ill. Rev. Stat. 1985, ch. 127, par. 2001
(Public Act 82-727, effective November 12, 1981)
2. Summary of information:
Index of Department of Revenue income tax letter rulings issued for the Third Quarter of 1988.

The ruling letters are listed numerically with a brief synopsis under the following subjects:

Addition Modifications
Bond Premium Amortization
Dividends
Interest
Net Operating Loss
Zero Coupon Bonds
Other Rulings
(not included above)
Administrative Review
Allocation
(For Alternative Allocation rulings, see that heading)
Alternative Allocation
Amnesty
Apportionment
Financial Organizations
Insurance Companies
Payroll Factor
Property Factor
Sales Factor
Transportation Services
Other Rulings
(not included above)
Assessment
Bankruptcy
Base Income
(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)
Books and Records
Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)
Business Income
Capital Gains (Losses)
(Also See Subtraction Modifications - Valuation Limitation)
Check Off Funds
Circuit Breaker
Claims for Refund: See Refunds
Collection
Combined Unitary Return
(Also See Unitary)
Commercial Domicile
Compensation
Composite Returns
Confidentiality
Credits
Coal Research and Utilization
Credit for Replacement Tax Paid
Enterprise Zone Investment
Foreign Tax
High Impact Business Investment
Jobs Tax
Replacement Tax Investment
Training Expense
Other Rulings
(not included above)

NOTICE OF PUBLIC INFORMATION

Deficiencies
Definitions
Domestic International Sales Corporations (DISC's)
Elections: See Combined Unitary Return, Extensions, Unitary Enterprise Zones
(Also See Credits, Subtraction Modifications)
Erroneous Refund: See Refunds
Estates
Estimated Tax
Exempt Organizations
Exemptions
Extensions
Failure to File: See Penalties
Failure to Pay: See Penalties
Farmers: See Estimated Tax
Federal Returns
Fiduciaries
Financial Organizations: See Apportionment
Foreclosure
Foreign Sales Corporations (FSC's)
Foreign Tax: See Credits
Foreign Trade Zones: See Subtraction Modifications, Credits -- Jobs Tax
Forms
Fraud: See Penalties
Fringe Benefits
IRC §125 "Cafeteria" Plans
IRC §401(k) Plans
Other Rulings
(not included above)
Gain (Loss): See Capital Gains (Losses), Valuation Limitation
Information Reports
Insurance Companies: See Apportionment
Interest Income
(Also See Addition Modifications, Subtraction Modifications)
Interest on Refunds and Deficiencies
IRC §338
Jeopardy: See Assessment

Judicial Review
Liens
Lottery
Military
(Also See Subtraction Modifications)
Miscellaneous
Modification Addition: See Addition Modifications
Modification Subtraction: See Subtraction Modifications
Mutual Funds: See Subtraction Modifications
Net Income (Loss) and Net Loss Deduction (IITA §207)
(Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction, Unitary)
Net Operating Loss and Net Operating Loss Deduction
Nexus: See Public Law 86-272/Nexus
Nonbusiness Income
Nonresidents: See Residency/Nonresidency
Notice and Demand: See Notices
Notices
Overpayments: See Refunds
Partnerships
Payments:
(Also See Estimated Tax)
Payroll Factor: See Apportionment
Penalties
Failure to File (\$1001)
Failure to File Withholding Returns (\$1004)
Failure to Pay (\$1002)
Failure to Pay Estimated Tax (\$804)
Fraud (\$1002)
Reasonable Cause (\$1001)
Underpayment of Tax (\$1005)
Other Rulings
(not included above)

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NOTICE OF PUBLIC INFORMATION

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Pensions
(Also See Subtraction
Modifications)
Political Organizations
Property Factor: See Apportionment
Property Tax: See Subtraction
Modifications
Protest
Public Law 86-272/Nexus
Rate of Tax
Real Estate Investment Trusts
Responsible Cause: See Penalties
Refunds (Also See Subtraction
Modifications)
Statute of Limitations
Other Rulings
(not included above)
Replacement Tax
(Also See Credits)
Residency/Nonresidency
Returns
(For Combined Unitary Return and
Composite Return rulings, see
those headings)
Amended Returns
Due Dates
Requirements to File
Short Period Returns
Other Rulings
(not included above)
S Corporations
Sales Factor: See Apportionment
Sales Outside the Ordinary Course
of Business (Bulk Sales)
Seizure
Separate Accounting: See Alterna-
tive Allocation
Signature
Specific Accounting
Statute of Limitations: See Assess-
ment, Collection, Deficiencies,
Refunds
Subchapter 'S' Corporations: See S
Corporations

Subpart F Income: See Subtraction
Modifications
Subtraction Modifications
Enterprise and Foreign Trade
Zones
Illinois Tax Refund
Interest on U.S. Government
Obligations
Military
Money Market Mutual Funds
Qualified Pension Plans
Real Estate Taxes
Subpart F Income
Valuation Limitation
Other Rulings
(not included above)
Taxability in Other States
Taxable Year
Transferees
(Also See Sales Outside the
Ordinary Course of Business
(Bulk Sales))
Transportation Services: See
Apportionment
Trusts
Unitary
(Also See Combined Unitary
Return)
U.S. Government Obligations: See
Subtraction Modifications
Valuation Limitation: See
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Voluntary Disclosure Agreements
Waiver on Assessment: See
Assessment
Withholding
Employee Benefits
Exemptions
Personal Service Contracts
(ITA \$708)
Reciprocal Agreements
Other Rulings
(not included above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual index of income tax letter rulings (all four quarters) is avail-
able for \$4.50 (this price includes both income tax and sales tax).

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Division
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-6996

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1988 THIRD QUARTER SUNSHINE INDEX

ADDITION MODIFICATIONS - DIVIDENDS

IT 88-233 08/17/88 Individual taxpayers are required to report on Line 9 of the 1987 federal 1040 any tax-exempt interest income received. The Illinois Department of Revenue is planning to verify through a tape match that taxpayers report this income on their state returns.

ADDITION MODIFICATIONS - INTEREST

IT 88-202 07/18/88 All interest received from municipal bonds other than those specifically exempted by statute must be added back on the Illinois return. The exempt character of Illinois municipal bonds does not pass through to the shareholders of a mutual bond.

IT 88-233 08/17/88 Individual taxpayers are required to report on Line 9 of the 1987 federal 1040 any tax-exempt interest income received. The Illinois Department of Revenue is planning to verify through a tape match that taxpayers report this income on their state returns.

IT 88-255 09/20/88 Since the purchaser of the bond reduces interest income from the bond by the amount of accrued interest paid to the seller, only the difference would be added back on the IL-1040 as interest income exempt from federal taxation.

IT 88-260 09/22/88 Discusses the five types of municipal bond interest which is not added back on the Illinois return. Interest on bonds issued by the District of Columbia is taxable in Illinois.

IT 88-267 09/27/88 Illinois Tax Charts.

ALLOCATION

(For Alternative Allocation rulings, see that heading)

IT 88-196 07/07/88 Discusses the Illinois income taxation of a part-year resident and Illinois nonresident with income from an Illinois S corporation.

IT 88-236 08/22/88 Discusses the Illinois income tax treatment of federal passive losses by a nonresident.

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IT 88-252 09/16/88 Discusses the Illinois income tax treatment of portfolio income.

IT 88-269 09/28/88 Discusses the Illinois income taxation of a nonresident limited partner with a capital gain from an Illinois limited partnership.

IT 88-273 09/30/88 Questionnaire about Illinois' corporate income tax allocation rules.

APPORTIONMENT - FINANCIAL ORGANIZATIONS

IT 88-206 07/14/88 Illinois Department of Revenue reserved ruling determination pending clarification of whether entities were subject to different apportionment formulas under Illinois Income Tax Act (ITA) §304, thus preventing the formation of a unitary business group.

APPORTIONMENT - PAYROLL FACTOR

IT 88-223 08/04/88 Discusses the Illinois tax treatment of various items involving the payroll, property and sales factors as well as what specified activities create nexus.

APPORTIONMENT - PROPERTY FACTOR

IT 88-223 08/04/88 Discusses the Illinois tax treatment of various items involving the payroll, property and sales factors as well as what specified activities create nexus.

IT 88-273 09/30/88 Questionnaire about Illinois' corporate income tax allocation rules.

APPORTIONMENT - SALES FACTOR

IT 88-205 07/14/88 Discusses the Illinois income taxation of a Wisconsin limited partnership making sales of computer software, hardware and/or support services in Illinois.

IT 88-220 08/03/88 Discusses the application of Illinois Income Tax Regulation §100.3700(c)(1) (the sales throwback rule) to a particular set of facts.

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- IT 88-223 08/04/88 Discusses the Illinois tax treatment of various items involving payroll, property and sales factors as well as what specified activities create nexus.
- IT 88-238 08/24/88 Gross receipts resulting from the leasing of computer equipment to customers in Illinois would be included in the Illinois sales factor numerator.
- IT 88-243 09/02/88 Receipts from an athletic conference and various state universities for the broadcast of various sporting events, receipts from the television and radio stations for the rights to broadcast the events, and the receipts from commercial advertising would be attributed to Illinois under the general rule of IIT Regulation §100.3650(c)(3).
- IT 88-247 09/08/88 Where the seller's agent makes arrangements for shipment and delivery of the goods to a purchaser in a state other than Texas, it is our opinion that such sales are delivered or shipped to a state other than Texas for purposes of the sales factor under UDITPA.
- IT 88-273 09/30/88 Questionnaire about Illinois' corporate income tax allocation rules.

APPORTIONMENT - OTHER RULINGS (NOT INCLUDED ABOVE)

- IT 88-201 07/11/88 Questionnaire in preparation for MSATA meeting.

ASSESSMENT

- IT 88-230 08/12/88 Taxpayer's liability for the additional tax which was deemed assessed when the return was first processed was voided by virtue of the "three-year rule."

BASE INCOME
(Also see
Modifications)

- IT 88-197 07/08/88 As a result of the 1986 Tax Reform Act, beginning in 1987, moving expenses can only be deducted for federal purposes as an itemized deduction on Schedule A. Since there is no longer an adjustment before adjusted gross income for moving expenses on the federal return and since there is no subtraction modification in the Illinois Income Tax Act for moving expenses, no adjustment for moving expenses is permitted.

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- II 88-207 07/15/88 Even though the treaty does not prohibit Illinois from taxing a Japanese corporation on income earned in Illinois, under the current Illinois Income Tax Act, there will be no Illinois tax liability in our opinion as long as there is no federal taxable income.
- IT 88-212 07/22/88 Discusses the Illinois taxation of moving expenses and explains that Illinois does not participate in the combined federal/state program for magnetic media filing of information returns.
- IT 88-236 08/22/88 Discusses the Illinois income tax treatment of federal passive losses by a nonresident.
- IT 88-245 09/06/88 As long as taxpayer has no federal taxable income, there will be no Illinois tax liability since under the current Illinois Income Tax Act the computation of Illinois base income begins with the amount of taxable income properly reportable for federal income tax purposes for the taxable year.

BUSINESS INCOME

- IT 88-252 09/16/88 Discusses the Illinois income tax treatment of portfolio income.

CAPITAL GAINS - LOSSES
(Also See Subtraction Modifications - Valuation Limitation)

- IT 88-190 07/05/88 Pursuant to Internal Revenue Code (IRC) §855(b), a shareholder receiving a dividend under IRC §855(a) is to treat the dividend as having been received by the shareholder in the taxable year in which the distribution is made even though the investment company is paying the dividend out of the previous year's earnings and profits. An exception to

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this general rule is provided at IRC §852(b)(6)[7] for a dividend paid before February 1 of the following year. Under the exception, a dividend declared by a regulated investment company in December of any calendar year and payable to the shareholders of record on a specified date in that month is deemed to have been received by the shareholder, and paid by the company, on that December date. Consequently, if a capital gain dividend received in January is to be included in the previous year's taxable income, estimated tax payments for the previous year should cover the dividend.

IT 88-269

09/28/88 Discusses the Illinois income taxation of a nonresident limited partner with a capital gain from an Illinois limited partnership.

COMPENSATION

IT 88-224

08/09/88 Generally, Illinois withholding from wages is required if federal withholding is required. The contents of an employee's Form W-2 for Illinois purposes is governed by Illinois Regulation §100.7300. That regulation requires that the form state the "total amount of compensation paid in Illinois" from which Illinois tax was withheld. This is the amount which must be reported to the Department in Box 18 of the W-2.

IT 88-226

08/11/88 As listed in the IIT Regulation §100.3100(c), bonuses are compensation within the meaning of the statute if paid for services performed by an employee for the employer. Consequently, such bonuses are subject to Illinois withholding (minus applicable exemptions).

IT 88-227

08/11/88 Response to Special Compensation questionnaire.

IT 88-263

09/27/88 Discusses what constitutes compensation paid in Illinois in various situations involving residents and non-residents.

COMPOSITE RETURNS

IT 88-193

07/06/88 Pending regulatory clarification, Illinois Department of Revenue allowed partners in a limited partnership to disregard regulatory language which denies subtraction modification for personal service income/reasonable partner allowance in filing their composite return due to the regulation being contrary to legislative intent.

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IT 88-195 07/07/88 There is no provision under the IITA which permits corporate partners of a partnership to file a composite return.

CONFIDENTIALITY

IT 88-209

07/19/88 Illinois Income Tax Act §917(a) prohibits the Department from complying with the subpoena duces tecum absent a court order.

IT 88-215

07/25/88 Ill. Rev. Stat., Ch. 120, par. 9-917 prohibits the Department from furnishing the information specified absent a court order.

IT 88-257

09/21/88 The Department cannot release the requested information without either an authorization from the taxpayer (Form IL-4506) or a court order.

IT 88-265

09/27/88 IITA §917(b) permits the Director of Revenue to release to the public the names and addresses of persons filing returns under the Illinois Income Tax Act.

CREDITS - FOREIGN TAX

IT 88-246

09/07/88 Since a foreign tax credit is not an item affecting the computation of base income, the taxpayer cannot avail himself of this credit under the notice requirement of IITA §506(b).

IT 88-267

09/27/88 Illinois Tax Charts.

CREDITS - REPLACEMENT TAX INVESTMENT

IT 88-249

09/12/88 None of the items listed qualify for the replacement tax credit because they are not used in "manufacturing operations."

CREDITS - TRAINING EXPENSE

IT 88-214

07/25/88 Computer training would qualify for the training expense credit. Customer service and invoicing training does not appear to constitute qualified training.

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IT 88-217

07/26/88 Retailing training programs do not qualify for the training expense credit.

ESTIMATED TAX

IT 88-190

07/05/88 Pursuant to Internal Revenue Code (IRC) §855(b), a shareholder receiving a dividend under IRC §855(a) is to treat the dividend as having been received by the shareholder in the taxable year in which the distribution is made even though the investment company is paying the dividend out of the previous year's earnings and profits. An exception to this general rule is provided at IRC §852(b)(6)[7] for a dividend paid before February 1 of the following year. Under the exception, a dividend declared by a regulated investment company in December of any calendar year and payable to the shareholders of record on a specified date in that month is deemed to have been received by the shareholder, and paid by the company, on that December date. Consequently, if a capital gain dividend received in January is to be included in the previous year's taxable income, estimated tax payments for the previous year should cover the dividend.

IT 88-213

07/22/88 Discusses Illinois return filing and estimated tax requirements of corporation involved in takeover acquisition.

IT 88-225

08/10/88 Calendar year taxpayers are required to make their first estimated tax payment on April 15 of the taxable year in question. Before that date a taxpayer engaged in farming activity would compute the estimated gross income for that year using the definition of gross income provided in the IL-1040 instructions. If the taxpayer determines that 2/3 of the estimated gross income is from farming, the taxpayer is not required to make an April 15 estimated tax payment. Instead, the taxpayer can wait until January 17 of the following year to make an estimated tax payment, or, in the alternative, file the tax return and pay all taxes on or before March 1 of the following year. Consequently, the estimated gross income figure would not necessarily be the taxpayer's adjusted gross income shown on line 1 of the IL-1040 or the taxpayer's base income reduced by a pension subtraction modification.

IT 88-253

09/19/88 A payment of estimated tax is to be credited against any unpaid required installments in the order in which such installments are required to be paid. Therefore,

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a subsequent payment will always be applied to an underpayment of an earlier quarter before being applied to the installment due.

EXEMPT ORGANIZATIONS

IT 88-198

07/08/88 Under §205(a) of the IITA, an organization exempt from Federal income tax by reason of §501(a) of the Internal Revenue Code is also, without application to this Department, exempt from Illinois income taxation except to the extent that it has \$1,000.00 or more of unrelated business taxable income for a particular taxable year as determined under IRC §512 and is required to file a federal Form 990-T.

IT 88-210

07/21/88 No ruling or determination letters are issued by the Illinois Department of Revenue as to tax exempt status for income tax purposes. The IITA automatically exempts from Illinois income taxation any organization which is exempt from federal income tax by reason of IRC §501(a). However, under IITA §205(a), an otherwise exempt organization is liable for Illinois tax on its "unrelated business taxable income."

IT 88-231

08/15/88 No ruling or determination letters are issued by the Illinois Department of Revenue as to tax exempt status for income tax purposes. The IITA automatically exempts from Illinois income taxation any organization which is exempt from federal income tax by reason of Internal Revenue Code §501(a). However, under IITA §205(a), an otherwise exempt organization is liable for Illinois tax on its "unrelated business taxable income."

EXEMPTIONS

IT 88-267

09/27/88 Illinois Tax Charts.

EXTENSIONS

IT 88-267

09/27/88 Illinois Tax Charts.

FEDERAL RETURNS

IT 88-233

08/17/88 Individual taxpayers are required to report on Line 9 of the 1987 Federal 1040 any tax-exempt interest income

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received. The Illinois Department of Revenue is planning to verify through a tape match that taxpayers report this income on their state returns.

FORMS

IT 88-235

08/18/88 Illinois does not require out-of-state or in-state tax preparers to register with the Department. There are currently no statutory or regulatory requirements regarding Illinois tax return preparers.

Informational Bulletin FY87-22 explains the Department's requirements with regard to computer-generated income tax forms.

INFORMATION REPORTS

IT 88-211

07/21/88 Discusses information reports required by Illinois.

IT 88-212

07/22/88 Discusses the Illinois taxation of moving expenses and explains that Illinois does not participate in the combined federal/state program for magnetic media filing of information returns.

IT 88-232

08/16/88 Currently the only information reports required by Illinois are for payments of rents and/or royalties of \$1,000.00 or more which were reported to the United States Secretary of Treasury pursuant to Internal Revenue Code §6041 and §6050N (IITA §1405.1). Form IL-1096 is used to report these payments.

There are also informational reporting filing requirements which become effective for payments made on or after January 1, 1989. IITA §1405.2 concerns payments made under personal services contracts, and IITA §1405.3 concerns payments made for prizes and awards. Illinois forms are not yet available to report these payments.

IT 88-267

09/27/88 Illinois Tax Charts.

IRC SEC. 338

IT 88-270

09/28/88 The Department will follow Treas. Regulation §1.338-1T(h) and cancel the §1005 late payment penalty but interest will not be waived.

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MISCELLANEOUS

IT 88-221

08/03/88 Expresses Illinois Department of Revenue's position favoring the continued publication of Income Tax Information Bulletins in Illinois tax service.

IT 88-235

08/18/88 Illinois does not require out-of-state or in-state tax preparers to register with the Department. There are currently no statutory or regulatory requirements regarding Illinois tax return preparers.

Informational Bulletin FY87-22 explains the Department's requirements with regard to computer-generated income tax forms.

IT 88-272

09/29/88 Illinois does not impose an income tax on a change in the record ownership of securities whether the registered clearing agency or registered transfer agent is located within or without Illinois.

NET INCOME (LOSS) AND NET LOSS DEDUCTION (IITA SEC. §207)

(Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction, Unitary)

IT 88-199

07/08/88 Where three corporations were unitary business group members when fourth corporation came into existence, 1987 Illinois net loss of fourth corporation could be used by all three original corporations in 1984.

IT 88-203

07/12/88 There is nothing in the law that prevents your client from using as much of his 1986 FNOL as is necessary to reduce his 1983 IL-1040 Line 1 to a zero amount (provided the same loss is not used elsewhere).

IT 88-219

07/22/88 Provides clarification of Example 3 of Illinois Income Tax Regulation §100.2565(c)(4)(C).

IT 88-256

09/20/88 Discusses the use by a merged partnership and divided partnerships of a partnership net loss.

IT 88-267

09/27/88 Illinois Tax Charts.

NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTION

IT 88-200 07/08/88 A taxpayer cannot compute federal taxable income for Illinois income tax purposes on Schedule UB using one method and assert a net operating loss carryforward based upon a second method of computing federal taxable income for Illinois income tax purposes.

IT 88-202 07/11/88 Illinois Department of Revenue properly denied refund claims where the statute of limitations was closed for filing net operating loss carryback claims for the years in question.

IT 88-240 08/29/88 Discusses Regulation §100.5600 which provides a statute of limitations for certain Net Operating Loss Carrybacks.

IT 88-242 09/01/88 The Department will deem the earliest carryback claim to serve as a simultaneous protective claim for later years for statute of limitations purposes to the extent that losses are not fully absorbed in the earliest year due to denial or partial denial by the Department.

IT 88-267 09/27/88 Illinois Tax Charts.

IT 88-274 09/30/88 Discusses IIT Regulation §100.5600(b).

NONBUSINESS INCOME

IT 88-248 09/12/88 Department could not confirm that taxpayer properly treated the excess loss account as nonbusiness income not subject to apportionment.

IT 88-252 09/16/88 Discusses the Illinois income tax treatment of portfolio income.

NOTICES

IT 88-230 08/12/88 Taxpayer's liability for the additional tax which was deemed assessed when the return was first processed was voided by virtue of the "three-year rule."

IT 88-246 09/07/88 Since a foreign tax credit is not an item affecting the computation of base income, the taxpayer cannot avail himself of this credit under the notice requirement of IITA §506(b).

PARTNERSHIPS

IT 88-216 07/26/88 Ruling on Illinois tax status of the transfer of ownership of Commercial Real Property from a general partnership which is the beneficial owner of a land trust to the individual general partners who will in turn sell or exchange their respective undivided interests to third parties.

IT 88-252 09/16/88 Discusses the Illinois income tax treatment of portfolio income.

IT 88-256 09/20/88 Discusses the use by a merged partnership and divided partnerships of a partnership net loss.

IT 88-258 09/21/88 Discusses the Illinois income taxation of a unitary corporation and partnership.

IT 88-269 09/28/88 Discusses the Illinois income taxation of a nonresident limited partner with a capital gain from an Illinois limited partnership.

PENALTIES - FAILURE TO PAY ESTIMATED TAX (IITA §804)

IT 88-253

09/19/88 A payment of estimated tax is to be credited against any unpaid required installments in the order in which such installments are required to be paid. Therefore, a subsequent payment will always be applied to an underpayment of an earlier quarter before being applied to the installment due.

PENALTIES - REASONABLE CAUSE (Sec. 1001)

IT 88-237

08/22/88 Request for reasonable cause abatement of penalty and interest assessed against an S corporation.

PENALTIES - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 88-270

09/28/88 The Department will follow Treas. Regulation §1.338-IT(h) and cancel the \$1005 late payment penalty but interest will not be waived.

PENSIONS

(Also See Subtraction Modifications)

IT 88-266 09/27/88 Since Illinois does not tax distributions from employee benefit or retirement plans, withholding is not required on such payments.

PUBLIC LAW 86-272/NEXUS

IT 88-201 07/11/88 Questionnaire in preparation for MSATA meeting.

IT 88-204 07/14/88 Explains that as long as corporation's activity does not exceed the solicitation standard under Public Law 86-272, the corporation will not incur any Illinois income tax liability.

IT 88-223 08/04/88 Discusses the Illinois tax treatment of various items involving the payroll, property and sales factors as well as what specified activities create nexus.

IT 88-241 09/01/88 A corporation is qualified to do business in Illinois if it is incorporated in Illinois or if it has a certificate of authority to do business in Illinois issued by the Illinois Secretary of State.

RATE OF TAX

IT 88-267 09/27/88 Illinois Tax Charts.

REFUNDS - STATUTE OF LIMITATIONS

(Also See Subtraction Modifications)

IT 88-202 07/11/88 Illinois Department of Revenue properly denied refund claims where the statute of limitations was closed for filing net operating loss carryback claims for the years in question.

IT 88-240 08/29/88 Discusses Regulation \$100.5600 which provides a statute of limitations for certain Net Operating Loss Carrybacks.

IT 88-274 09/30/88 Discusses IIT Regulation \$100.5600(b).

RESIDENCY/NONRESIDENCY

IT 88-250 09/12/88 An Illinois domiciliary would not be considered an Illinois resident for Illinois income tax purposes if the domiciliary was absent from Illinois for 12 months or more.

RETURNS - AMENDED RETURNS

(For Combined Unitary Return and Composite Return rulings, see those headings)

IT 88-218 07/26/88 Pursuant to IITA §506(b), the Department is to be notified of a federal audit change which affects the computation of a taxpayer's base income allocable to Illinois. Section 506(b) requires that the notice be in the form of an amended return and the regulations do not prescribe any other method of reporting such a change.

RETURNS - DUE DATES

(For Combined Unitary Return and Composite Return rulings, see those headings)

IT 88-229 08/11/88 Furnished material regarding the due dates of various Illinois income tax returns.

IT 88-267 09/27/88 Illinois Tax Charts.

RETURNS - REQUIREMENTS TO FILE

(For Combined Unitary Return and Composite Return rulings, see those headings)

IT 88-207 07/15/88 Even though the treaty does not prohibit Illinois from taxing a Japanese corporation on income earned in Illinois, under the current Illinois Income Tax Act, there will be no Illinois tax liability in our opinion as long as there is no federal taxable income.

IITA §502(a) requires that an Illinois income tax return be filed by any person liable for Illinois income tax, or by a corporation that is qualified to do business in Illinois and that is required to file a federal income tax return (including a US-1120 F). A corporation is "qualified to business" in Illinois if it is incorporated in Illinois or if it has been issued a certificate of authority to do business from the Illinois Secretary of State.

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IT 88-245 09/06/88 As long as taxpayer has no federal taxable income, there will be no Illinois tax liability since under the current Illinois Income Tax Act the computation of Illinois base income begins with the amount of taxable income properly reportable for federal income tax purposes for the taxable year.

RETURNS - SHORT PERIOD RETURNS
(For Combined Unitary Return and Composite Return rulings, see those headings)

IT 88-194 07/07/88 Pursuant to IITA §401(a), the taxable year of a person for Illinois tax purposes is the taxable year of the person for federal income tax purposes. Generally, an Illinois return is required for each taxable year, including short taxable years, for which a return is filed for federal purposes. However, the Department will permit a subsidiary required to file two federal short-period returns as a result of its sale to file one 12-month Illinois return as long as the subsidiary was not included in an Illinois combined return prior to its sale.

IT 88-213 07/22/88 Discusses Illinois return filing and estimated tax requirements of corporation involved in takeover acquisition.

IT 88-228 08/11/88 Explains that Illinois Department of Revenue recognizes and follows the federal treatment of "F" reorganizations under Internal Revenue Code §368(a)(1)(F) and answers specific questions concerning "F" reorganizations.

IT 88-261 09/23/88 The Department will permit a subsidiary required to file two federal short-period returns as a result of its sale to file one 12-month Illinois return as long as the subsidiary was not included in an Illinois combined return prior to its sale.

RETURNS - OTHER RULINGS (NOT INCLUDED ABOVE)
(For Combined Unitary Return and Composite Return rulings, see those headings)

IT 88-189 07/01/88 Public Act 85-731, effective September 22, 1987, amended IITA §502 to provide that an innocent spouse shall be relieved of liability for Illinois tax (including interest and penalties) for any taxable year for which a joint return

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has been made if the Internal Revenue Service has relieved the spouse from liability for federal income taxes for the same taxable year under IRC §6013(e).

IT 88-201 07/11/88 Questionnaire in preparation for MSATA meeting.

S CORPORATIONS

IT 88-196 07/07/88 Discusses the Illinois income taxation of a part-year resident and Illinois nonresident with income from an Illinois S corporation.

IT 88-201 07/11/88 Questionnaire in preparation for MSATA meeting.

IT 88-237 08/22/88 Request for reasonable cause abatement of penalty and interest assessed against an S corporation.

IT 88-241 09/01/88 A corporation is qualified to do business in Illinois if it is incorporated in Illinois or if it has a certificate of authority to do business in Illinois issued by the Illinois Secretary of State.

IT 88-252 09/16/88 Discusses the Illinois income tax treatment of portfolio income.

IT 88-264 09/27/88 Every small business corporation which has Illinois net income or loss, or is qualified to do business in Illinois and is required to file U.S. Form 1120-S is required to file Form IL-1120-ST (Small Business Corporation Replacement Tax Return).

IT 88-267 09/27/88 Illinois Tax Charts.

SALES OUTSIDE THE ORDINARY COURSE OF BUSINESS (BULK SALES)

IT 88-259 09/22/88 Notice to the Department under §902(d) or §5(j) is not required when a security interest or mortgage interest in real estate is given to a bank or other creditor.

SUBTRACTION MODIFICATIONS - MILITARY

IT 88-234 08/18/88 Military retired pay is not subject to Illinois income taxation, regardless of the reason for which a service member was retired.

If military disability retired pay is included in federal adjusted gross income, it can be subtracted on the Illinois return. If military disability retired pay is not included in federal adjusted gross income, it would not be included in Illinois base income because there is no addition modification requiring its addback on the Illinois return.

IT 88-239

08/26/88 IITA §203(a)(2)(E) provides a subtraction modification from Illinois base income for all amounts included in a taxpayer's federal adjusted gross income as distributions under any retirement or disability plan for employees of any governmental agency or unit as well as distribution from any federally tax-qualified retirement plan. The Department has interpreted this subtraction modification to include annuity payments under both the RSFP (Retired Serviceman's Family Protection Plan) and the SBP (Survivor Benefit Plan). Furthermore, since these payments will not be taxed in Illinois, they will also not be subject to Illinois income tax withholding.

SUBTRACTION MODIFICATIONS - MONEY MARKET MUTUAL FUNDS

IT 88-208

07/18/88 All interest received from municipal bonds other than those specifically exempted by statute must be added back on the Illinois return. The exempt character of Illinois municipal bonds does not pass through to the shareholders of a mutual bond.

IT 88-251

09/12/88 Illinois Department of Revenue's position statement on distributions from mutual funds.

IT 88-254

09/19/88 The holding in Andras that a taxpayer may subtract from gross income the dividend income received from a mutual fund which was attributable to the fund's holdings in U.S. Government securities applies to all Illinois taxpayers, including corporate mutual fund investors.

SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 88-201

07/11/88 Questionnaire in preparation for MSATA meeting.

IT 88-239

08/26/88 IITA §203(a)(2)(E) provides a subtraction modification from Illinois base income for all amounts included in a taxpayer's federal adjusted gross income as distributions under any retirement or disability plan for employees of any governmental agency or unit as well as distributions from any

federally tax-qualified retirement plan. The Department has interpreted this subtraction modification to include annuity payments under both the RSFP (Retired Serviceman's Family Protection Plan) and the SBP (Survivor Benefit Plan). Furthermore, since these payments will not be taxed in Illinois, they will also not be subject to Illinois income tax withholding.

SUBTRACTION MODIFICATIONS - VALUATION LIMITATION

IT 88-192

07/06/88 Illinois Department of Revenue accepted taxpayer's accountant's report as an acceptable appraisal of August 1, 1969, fair market value.

SUBTRACTION MODIFICATIONS - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 88-193

07/06/88 Pending regulatory clarification, Illinois Department of Revenue allowed partners in a limited partnership to disregard regulatory language which denies subtraction modification for personal service income/reasonable partner allowance in filing their composite return due to the regulation being contrary to legislative intent.

IT 88-244

09/06/88 Processing Bureau has indicated it will accept individual returns from beneficiaries of grantor trusts which claim subtraction modifications passed through from such trusts. The taxpayer should clearly designate in the space provided at Line 4g of the return regarding "other subtractions" that the item is derived from a grantor trust and must further support the subtraction with a written attachment.

IT 88-268

09/28/88 A deduction is not allowed unless the statute specifically provides for the deduction.

TAXABLE YEAR

IT 88-194

07/07/88 Pursuant to IITA §401(a), the taxable year of a person for Illinois tax purposes is the taxable year of the person for federal income tax purposes. Generally, an Illinois return is required for each taxable year, including short taxable years, for which a return is filed for federal purposes. However, the Department will permit a subsidiary required to file two federal short-period returns as a result

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of its sale to file one 12-month Illinois return as long as the subsidiary was not included in an Illinois combined return prior to its sale.

IT 88-228

08/11/88 Explains that Illinois Department of Revenue recognizes and follows the federal treatment of "F" reorganizations under IRC §368(a)(1)(F) and answers specific questions concerning "F" reorganizations.

IT 88-261

09/23/88 The Department will permit a subsidiary required to file two federal short-period returns as a result of its sale to file one 12-month Illinois return as long as the subsidiary was not included in an Illinois combined return prior to its sale.

TRUSTS

IT 88-216

07/26/88 Ruling on Illinois tax status of the transfer of ownership of Commercial Real Property from a general partnership which is the beneficial owner of a land trust to the individual general partners who will in turn sell or exchange their respective undivided interests to third parties.

IT 88-244

09/06/88 Processing Bureau has indicated it will accept individual returns from beneficiaries of grantor trusts which claim subtraction modifications passed through from such trusts. The taxpayer should clearly designate in the space provided at Line 4g of the return regarding "other subtractions" that the item is derived from a grantor trust and must further support the subtraction with a written attachment.

UNITARY

(Also See Combined Unitary Return)

IT 88-199

07/08/88 Where three corporations were unitary business group members when fourth corporation came into existence, 1987 Illinois net loss of fourth corporation could be used by all three original corporations in 1984.

IT 88-200

07/08/88 A taxpayer cannot compute federal taxable income for Illinois tax purposes on Schedule UB using one method and assert a net operating loss carryforward based upon a second method of computing federal taxable income for Illinois income tax purposes.

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IT 88-206

07/14/88 Illinois Department of Revenue reserved ruling determination pending clarification of whether entities were subject to different apportionment formulas under IITA §304, thus preventing the formation of a unitary business group.

IT 88-222

08/04/88 Discusses necessity of filing Schedule UB where all property, payroll and sales of corporate parent company and subsidiaries are located within Illinois.

IT 88-258

09/21/88 Discusses the Illinois income taxation of a unitary corporation and partnership.

IT 88-271

09/28/88 The law allowing "100% Illinois" members to constitute a unitary business group (i.e., P.A. 84-1400) was not in effect for taxable years ending prior to December 31, 1986.

VOLUNTARY DISCLOSURE AGREEMENTS

IT 88-191

07/05/88 A Voluntary Disclosure is a notification to the Department by a taxpayer or his representative prior to the Department opening an audit or investigation file that the taxpayer has failed to file returns or has filed erroneous returns in the past. It is the Department's policy to encourage or assist voluntary disclosures by taxpayers.

IT 88-262

09/26/88 Discusses Voluntary Disclosure Agreements.

WITHHOLDING - EMPLOYEE BENEFITS

IT 88-266

09/27/88 Since Illinois does not tax distributions from employee benefit or retirement plans, withholding is not required on such payments.

WITHHOLDING - OTHER RULINGS (NOT INCLUDED ABOVE)

IT 88-224

08/09/88 Generally, Illinois withholding from wages is required if federal withholding is required. The contents of an employee's Form W-2 for Illinois purposes is governed by Illinois Regulation §100.7300. That regulation requires that the form state the "total amount of compensation paid in Illinois" from which Illinois tax was withheld. This is the amount which must be reported to the Department in Box 18 of the W-2.

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IT 88-226

08/11/88 As listed in IIT Regulation §100.3100(c), bonuses are compensation within the meaning of the statute if paid for services performed by an employee for the employer. Consequently, such bonuses are subject to Illinois withholding (minus applicable exemptions).

IT 88-239

08/26/88 IITA §203(a)(2)(E) provides a subtraction modification from Illinois base income for all amounts included in a taxpayer's federal adjusted gross income as distributions under any retirement or disability plan for employees of any governmental agency or unit as well as distributions from any federally tax-qualified retirement plan. The Department has interpreted this subtraction modification to include annuity payments under both the RSPPP (Retired Serviceman's Family Protection Plan) and the SBP (Survivor Benefit Plan). Furthermore, since these payments will not be taxed in Illinois, they will also not be subject to Illinois income tax withholding.

IT 88-263

09/27/88 Discusses what constitutes compensation paid in Illinois in various situations involving residents and non-residents.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 21, 1988 through October 21, 1988 and have been scheduled for review by the Committee at its November 15, 1988 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its scheduled November meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
12/5/88	Illinois Commerce Commission, Uniform Commodity Classifications, Repeal of; (92 Ill. Adm. Code 1460)	8/19/88 12 Ill. Reg. 13385	November 15, 1988
12/5/88	Department of Public Aid, Food Stamps (89 Ill. Adm. Code 121)	9/2/88 12 Ill. Reg. 13915	November 15, 1988
12/5/88	Capital Development Board, Prequalification of Architects and Engineers (44 Ill. Adm. Code 980)	8/26/88 12 Ill. Reg. 13691	November 15, 1988
12/5/88	Department of Public Health, Structural Pest Control (77 Ill. Adm. Code 830)	2/5/88 12 Ill. Reg. 3325	November 15, 1988

PROCLAMATION
88-381

American Indian Day (Revised)

WHEREAS, since 1919, the fourth Friday in September has been set aside in Illinois for programs commemorating American Indians and their significant role in the history and development of the state; and

WHEREAS, in contemporary times, American Indians continue to make important contributions to life in the state. Illinois is the home of more than 100 different tribes, and Chicago has the fourth largest urban concentration of Indians in the country; and

WHEREAS, the Outstanding Indian of the Year is annually named and presented with an Achievement Award at the banquet sponsored by the Indian Council Fire. This year's winner is Wilma P. Mankiller (Cherokee). A single mother of two children, Ms. Mankiller triumphed over severe injuries sustained in a car crash and a debilitating illness to become in 1985 the first woman to be elected principal chief of the Cherokee Nation in Oklahoma; and

WHEREAS, she is particularly honored for her contributions to her tribe as a committed and successful advocate of community development; and

WHEREAS, among the awards she has received in recognition of her achievements are the Harvard Foundation's 1986 Citation for Outstanding Contributions to American Leadership and Native American Culture; Ms. Magazine's 1987 Woman of the Year Award; and John W. Gardner's 1988 Leadership Award;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim September 23, 1988, as AMERICAN INDIAN DAY in Illinois.

Issued October 18, 1988. Filed October 24, 1988.

PROCLAMATION
88-479

National Grandelogoquent Gala Days

WHEREAS, the City Wide Club of Clubs is a tax-exempt, national, non-profit community service agency that was established to serve people with little or no income; and

WHEREAS, its goal is to elevate the moral, ethical, educational, and cultural standards of all high school and college students as needed; and

WHEREAS, the club encourages dropouts to complete their education and is dedicated to helping the poor, the need, the hungry, the homeless, the aged, the handicapped, and the underprivileged; and

WHEREAS, the City Wide Club enriches the lives of more than 250,000 individuals each year;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim October 14, 15 and 29, 1988, as NATIONAL GRANDELOQUENT GALA DAYS in Illinois in recognition of the valuable contributions of City Wide Club of Clubs.

Issued October 13, 1988. Filed October 24, 1988.

PROCLAMATION

88-480

Family Health Month

WHEREAS, there is a renewed interest in health care delivery that is not limited by the patient's age or sex or by a particular organ system or disease entity; and

WHEREAS, family physicians are filling an increasingly important need in a health care system that is technical and based on a complex specialty structure; and

WHEREAS, family physicians coordinate the use of technicians, testing and specialty physicians as necessary, for all family members, guiding the use of the health care industry in a supportive manner; and

WHEREAS, the more than 2,500 members of the Illinois Academy of Family Physicians, who are affiliated with the 59,000-member American Academy, are promoting October as Family Health Month, stressing the importance of forming a "partnership for health" with a family physician;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1988 as FAMILY HEALTH MONTH in Illinois, in support of the Academy's belief that prevention and early diagnosis of problems constitute the most effective form of health care delivery.

Issued October 14, 1988. Filed October 24, 1988.

PROCLAMATION

88-481

Salute The 25th Anniversary Of Illinois Gifted Education

WHEREAS, in 1963, legislation was passed to fund Gifted Education in Illinois, and the 1988-1989 school year marks the 25th Anniversary of this funding; and

WHEREAS, no children have more promises to keep and more opportunities to pursue than those we call gifted; and

WHEREAS, education is a key that opens doors. For the gifted, it's a key that unlocks the minds that find new doors; and

WHEREAS, education has a responsibility to challenge, to encourage, and to stimulate every child and to explore the parameters of a child's curiosity. With the gifted, those parameters are often wider and deeper than regular educational curriculum can touch; and

WHEREAS, on October 22, 1988, the Gifted Education Benefit Dinner Dance will help underwrite the cost of a special Student Day to be held at the Illinois Gifted Education Conference in December. This is one of several special events planned in conjunction with the Silver Anniversary of Gifted Education; and

WHEREAS, other activities have been arranged to raise awareness and support for the educational needs of gifted students;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, salute the 25th Anniversary of ILLINOIS GIFTED EDUCATION, and note that "Tomorrow's Promise is Today's Gifted Child."

Issued October 14, 1988. Filed October 24, 1988.

PROCLAMATION
88-482

Statewide Affordable Housing Week

WHEREAS, the ability to provide decent, safe, and affordable housing is a goal that all Illinois and American families strive to achieve; and

WHEREAS, the ability to own a home is an integral part of the American dream as witnessed by more than 16,000 new Illinois homeowners who have benefited from low-interest state programs since 1983; and

WHEREAS, the dream of homeownership and affordable rental housing is still beyond the means of many thousands of Illinois citizens; and

WHEREAS, reductions in federal housing assistance and rising housing costs have contributed to increased homelessness and higher housing costs for families, the elderly, handicapped individuals, and those with special housing needs; and

WHEREAS, the Statewide Housing Action Coalition, state agencies, financial institutions, and other public and private groups have joined together to help make housing for Illinois citizens more affordable;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim November 20-26, 1988, as STATEWIDE AFFORDABLE HOUSING WEEK in Illinois, in order to promote appropriate activities aimed at providing affordable housing for all Illinois citizens.

Issued October 14, 1988. Filed October 24, 1988.

PROCLAMATION
88-483

Forest Products Week

WHEREAS, the forest products industry of Illinois continues to meet our ever - increasing demands with an abundant supply of products procured from the forest. Ways are being developed by forest products companies to use wood more effectively today than was ever thought possible; and

WHEREAS, products from Illinois forests have gained international recognition for their quality. Illinois wood products industries have met and will continue to meet local, national, and export demand for wood products in 180 primary conversion plants and over 1,500 secondary wood-using companies; and

WHEREAS, the wood-using industries of Illinois employ over 60,000 individuals, with an annual payroll of more than one billion dollars. Nearly five percent of our total commerce is generated by the forest products industry, thus strengthening the economy while protecting the environment;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim October 16-22, 1988, as FOREST PRODUCTS WEEK in Illinois. I urge all citizens to remember their roles as guardians of our forest lands and consumers of those many items produced by a knowledgeable forest products industry.

Issued October 17, 1988. Filed October 24, 1988.

PROCLAMATION
88-484

Illinois Cottage Industry Awareness Day

WHEREAS, the phenomenon of cottage industries, which originated hundreds of years ago, is currently enjoying a renaissance in America. The distinct separation between home and workplace is fading as more and more people engage in their businesses from their homes; and

WHEREAS, there are presently close to five million at-home business enterprises in the United States. It is estimated that there will be more than double that amount before the end of the decade; and

WHEREAS, worksteading, as it is also called, satisfies the need for people to support themselves while cutting costs, avoiding the frustrations of centralized work places, or being more involved in parenting; and

WHEREAS, the burgeoning movement is also gaining corporate acceptance from major industries that are installing computer terminals in the employees' homes with both the company and the employee benefitting as a result; and

WHEREAS, the fourth annual Home Business Show, a conference and trade show devoted to the "work-at-home" movement, will be held at the Chicago Hilton and Towers October 28-29;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim October 29, 1988, as ILLINOIS COTTAGE INDUSTRY AWARENESS DAY.

Issued October 17, 1988. Filed October 24, 1988.

PROCLAMATION
88-485

Mutual Ground, Inc. Day

WHEREAS, Mutual Ground, Inc. is a private, not-for-profit social agency located in Aurora, Illinois, and governed by a volunteer board of directors. This agency was organized to provide services to victims of domestic violence and sexual assault; and

WHEREAS, services available for victims of domestic violence include: temporary shelter for battered women and their children; group and individual counseling; information and referrals to other agencies; assistance with the criminal justice system; and assistance with other possible sources of help; and

WHEREAS, services available for victims of sexual assault include: crisis intervention and assistance for victims brought to area hospitals; assistance in prosecuting the offenders; group and individual counseling; and information and referrals; and

WHEREAS, the staff of Mutual Ground also provides public education programs to area school children, church groups and other community organizations, and each year more than 5,000 individuals attend community education programs; and

WHEREAS, the staff of Mutual Ground, Inc. attempts to assist each person in finding a solution that best fits into that person's value system. Its purpose is to assist individuals in functioning on a level that is physically and emotionally safe for all;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim October 20, 1988, as MUTUAL GROUND, INC. DAY in Illinois, in recognition of the outstanding contributions this organization has made to the people of our state during its 13 years of community service.

Issued October 17, 1988. Filed October 24, 1988.

PROCLAMATION

88-486

United Nations Day

WHEREAS, the problems and conflicts in our world persist and drain the vital energies of all societies; and

WHEREAS, the effort to correct and solve these problems and conflicts that plague our world is the mandate of the United Nations; and

WHEREAS, the United Nations does important work in addressing these problems and conflicts. The prospects of greater international cooperation and peace in the world depend upon proper use of the United Nations by its member states; and

WHEREAS, the critical issues of chronic hunger and homelessness necessitate public support of the United Nations programs and agencies combatting these conditions; and

WHEREAS, the United Nations system offers hope to the world in tackling the myriad of problems before it, including the problems of chronic hunger and homelessness, and should be celebrated for bringing this hope to people of all ages and backgrounds; and

WHEREAS, October 24 is the day when the world reviews and celebrates the achievements and work of the United Nations, which is now marking its 43rd year;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim October 24, 1988, as UNITED NATIONS DAY in Illinois. I urge all citizens to participate in programs and activities designed to increase understanding of the United Nations.

Issued October 17, 1988. Filed October 24, 1988.

PROCLAMATION

88-487

Illinois Olympian Salute Week

WHEREAS, 36 Illinoisans represented the United States of America in the XVth Olympic Winter Games in Calgary, Alberta, Canada, and the XXIVth Olympiad in Seoul, Korea; and

WHEREAS, the International Olympic movement, perhaps the single remaining thread uniting the youth of the world in a quest for personal excellence, has perpetuated the philosophy of the ancient Greeks; competitive sport and training develops not only healthier and happier citizens, but individuals better able to make substantial contributions to society; and

WHEREAS, of the 167 nations that participate in the worldwide Olympic movement, the United States Olympic effort is the only one which receives no sustaining financial subsidy from its government and is, therefore, completely dependent on private-sector funding; and

WHEREAS, the Chicago Mercantile Exchange, an exemplary corporate citizen of Chicago and a mainstay of the city's burgeoning financial-services economic sector, will, on October 21, 1988, sponsor and host an Illinois Olympian Salute, the dual purpose of which is to "welcome home" Illinois's Olympic Athletes and to raise much needed funds for the U.S. Olympic Committee; and

WHEREAS, the Chicago Mercantile Exchange's Illinois Olympian Salute has benefited greatly due to generous and unstinting support from the business community in Chicago and all across the state. This support has strengthened the bond between the business community and the State of Illinois;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim October 16-22, 1988 as ILLINOIS OLYMPIAN SALUTE WEEK in Illinois.

Issued October 18, 1988. Filed October 24, 1988.

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PROCLAMATION
88-488

Max Davidson Day/Max Davidson Month/Max Davidson Year

WHEREAS, on October 21, 1988, East Bank Club's Executive Director Max Davidson will celebrate his 75th birthday; and

WHEREAS, Max's impressive sports background won him a place in Chicago's Sports Hall of Fame and the Jewish Sports Hall of Fame, and provided him with the wealth of experience needed to head up the Executive Management Team at East Bank Club; and

WHEREAS, the owners, staff, and members of the East Bank Club are delighted that Max has agreed to sign a new three-year contract; and are remembering that under Max's tutelage, the Governor's body was rebuilt for the 1976 campaign and is being rebuilt again for 1989 and thereafter;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim October 21, 1988, as MAX DAVIDSON DAY in Illinois; October 1988 as MAX DAVIDSON MONTH in Illinois; and 1988 as MAX DAVIDSON YEAR in Illinois, in recognition of his outstanding contributions to the East Bank Club. I also extend an affectionate Happy Birthday wish to Max, my close friend, on the occasion of his 75th birthday.

Issued October 19, 1988. Filed October 24, 1988.

ILLINOIS REGISTER

18016

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PROCLAMATION
88-489

Home Care Week

WHEREAS, the more than 200 member agencies of the Illinois Council of Home Health Services are dedicated to the provision of high quality patient care in the home; and

WHEREAS, these home health agency services include nursing, physical, occupational and speech therapies, medical social services, home health aide and homemakers; and

WHEREAS, these services are provided to persons of all ages who are ill or disabled in their homes, thereby preventing unnecessary institutionalization; and

WHEREAS, home health care is often less costly than that of institutions; and

WHEREAS, most people would prefer to remain at home in familiar surroundings;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim November 27-December 3, 1988, as HOME CARE WEEK in Illinois, in honor of the 28th anniversary of the Illinois Council of Home Health Services.

Issued October 20, 1988. Filed October 24, 1988.

PROCLAMATION

88-490

HARP Of Little City Day

WHEREAS, HARP of Little City will become established on Wednesday evening, October 26, 1988, in the Regency Ballroom of the Hyatt Regency Hotel in Chicago; and

WHEREAS, HARP of Little City will become a support group of Little City Foundation of Palatine, Illinois, devoted to the progress, education, care and rights of children and adults with mental retardation and other developmental disabilities; and

WHEREAS, the evening will be attended by men and women of Illinois and other states and countries, who will have the opportunity to become charter members of HARP of Little City and be prominently recognized as caring citizens of the world; and

WHEREAS, the dinner, auction, program, and concept of HARP of Little City is the creation of Burton T. Getz, prominent businessman of Illinois and father of a Little City resident, Eric James Getz; and

WHEREAS, Burton T. Getz, through his generous and untiring efforts, along with his Dinner Committee and Tim Kazurinsky as Master of Ceremonies, has made his evening possible, informative, entertaining and rewarding;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim October 26, 1988, as HARP OF LITTLE CITY DAY in Illinois. I urge all citizens who are in attendance at this gathering to become Charter Members of HARP of Little City to support Little City Foundation; "hometown" to 300 children and adults, all mentally retarded to varied degrees.

Issued October 21, 1988. Filed October 24, 1988.

PROCLAMATION

88-491

Infection Control Week

WHEREAS, nosocomial (hospital-associated) infections directly cause more than 20,000 deaths annually and contribute indirectly to an additional 60,000 deaths every year. Approximately one-third of all such infections are preventable, according to public health experts; and

WHEREAS, scientific evidence has shown that improved health practices, such as proper hand washing in health care and educational facilities, can significantly reduce the spread of infections; and

WHEREAS, AIDS has spotlighted the need for and importance of infection control; however, infectious diseases such as Hepatitis B and other infections continue to threaten the public health. Public Health Service investigators are continuing vital research and are optimistic that new discoveries will lead to the development of improved techniques for diagnosing, treating, and preventing the spread of infectious diseases; and

WHEREAS, members of the Central Illinois Chapter, the Blackhawk Chapter and the Chicago Metropolitan Chapter of the Association for Practitioners in Infection Control work around the clock to prevent and control the spread of diseases; and

WHEREAS, in order to focus public and professional attention on the severity of nosocomial and other infectious diseases, these health care professionals also work for increased public awareness by disseminating information and providing education to the public;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim October 16-22, 1988, as INFECTION CONTROL WEEK in Illinois. I call upon all state and local government agencies, health organization, communications media, and the people of the State of Illinois to observe this week with appropriate programs and activities.

Issued October 21, 1988. Filed October 24, 1988.

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PROCLAMATION
88-492

The Old Style Marathon/Chicago Day

WHEREAS, The Old Style Marathon/Chicago will attract more than 12,000 runners from all over the world, including more than 75 of world-class stature; and

WHEREAS, this race, which is sponsored by Old Style and managed by Flair Communication Agency, has grown from a small local event to one of the world's top-rated road races; and

WHEREAS, G. Heileman Brewing Company and its flagship brand, Old Style Beer, are committed to the city of Chicago and the State of Illinois, and wish to demonstrate their dedication to the city and its residents by bringing The Old Style Marathon/Chicago '88 back to the Windy City after a year's absence; and

WHEREAS, the course is a tribute to Chicago's neighborhoods, winding through Chinatown, Pilsen, Little Italy, Greek Town, Lincoln Park, DePaul, Lakeview and the lakefront;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim October 30, 1988, as THE OLD STYLE MARATHON/CHICAGO DAY in Illinois and welcome all those involved with this prestigious event.